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Conn Doc 24.15.50

Charter and By-Laws

OF THE

CITY OF NEW HAVEN,

SEPTEMBER, 1865.

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CHARTER

AND

BY-LAWS

OF THE

CITY OF NEW HAVEN,—

JUNE, 1865.

NEW HAVEN:
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CHARTER.

At a General Assembly of the State of Connecticut, held at Hartford, in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and fifty-seven.

An Act relative to the Charter of the City of New Haven.

Be it enacted, by the Senate and House of Representatives, in General Assembly convened:

SEC. 1 All the inhabitants, being electors of this State, dwelling in New Haven, within the following limits, to wit: beginning at the north-east corner of Tomlinson's bridge, so called, in said New Haven; thence northerly along the east shore of Quinnipiac River at high water mark, to the eastern termination of a line drawn westerly from said shore, parallel with said bridge and five hundred feet north of said bridge; thence westerly along said parallel line to the middle of Mill River; thence northerly along the middle of Mill River, to the line which divides the town of New Haven from the town of Hamden; thence westerly along said line between the towns of New Haven and Hamden, to Long Lane, or Dixwell street; thence southerly through the centre of said Dixwell street, to a point in a direct line from the Neck Bridge to a bridge across West River, commonly called Thompson's Bridge; thence westerly by said line to the north-east corner of said bridge; thence down the said West River, on the east bank thereof, to the mouth of said river; and from thence a straight line to the extreme point of land commonly called Five-Mile Point, on the east side of New Haven Harbor, at high-water mark on said point; thence northward on the shore, on the line of the high-water mark, up to the first mentioned point at the north-east corner of Tomlinson's bridge,—are hereby ordained, constituted, and declared to be, from to time, and forever hereafter, one body politic and corporate, in fact and in name, by the name of "The Mayor, Aldermen, Common Council, and Freemen of the City of New Haven." And by that name they and their successors shall and may have perpetual succession, and shall be a person in law, capable of suing and being sued, pleading and being impleaded, in all suits of what nature

Limits of City.

Corporate name.

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soever, and also of purchasing, holding and conveying any estate, real or personal; and may have a common seal, and may change and alter the same at pleasure.

Qualification of voters.

SEC. 2. Every elector of this State, who shall have statedly and continuously resided six months in said city, shall be a freeman of said city, and shall have a right to vote in all meetings of said city, so long as he shall continue afterwards to reside in said city; but no other person shall be entitled to vote in any meeting of said city. If any person shall, in any meeting of said city, or of any ward of said city, give in more than one vote at a ballot, for any person for the same office; or if any person shall, upon the submission of any question to vote in any such meeting, vote more than once upon the same submission of the same question; or if any person not entitled to vote shall vote at any such meeting, such person shall be punished by a fine of One Hundred Dollars.

Penalty for voting illegally.

CITY MEETINGS, ELECTIONS, ETC.

Annual meeting to be held.

SEC. 3. An annual meeting of said city shall be held in said city on the Monday next preceding the first Tuesday of June, in each year.* Special meetings of said city may be called and held from time to time, in such manner as the by-laws of said city shall prescribe. The Mayor of said city, or in his absence, the senior Alderman present, shall at any meeting of said city be, *ex officio*, Moderator thereof. If the Mayor and Aldermen be all absent, the meeting shall choose a Moderator. Any meeting of said city may be adjourned from time to time by the vote of the freemen present, and all questions in any such meeting shall be decided by a majority of the freemen present and voting.

Special meetings.

Moderator of.

Officers to be chosen at annual meeting.

SEC. 4. At each annual meeting of said city, there shall be chosen from among the said freemen, by ballot, a Mayor, a Clerk, six Aldermen, twenty-four Common Councilmen, two Sheriffs, a Treasurer, an Auditor of city accounts, and a Collector of Taxes, in the manner hereinafter provided.

Boundaries of wards.

SEC. 5. Said city is hereby divided into six Wards as follows, to wit: so much of said city as is included within the following boundaries, to wit: bounded by a line commencing at the city limits on Whitney Avenue, and passing through the center of Whitney Avenue to Temple street, thence through the center of Temple street to Chapel street, thence through the center of Chapel street to West Chapel street, thence through the center of West Chapel street to its termination, thence

Ward No. 1.

* Changed to first Monday in April, See Act of 1861, Sec. 9.

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continuing in the same line from the termination of West Chapel street to the city limits, and thence following the city limits northerly and easterly to the place of beginning, shall be and remain Ward number ONE.

Ward No. 2. So much of said city as is included within the following boundaries, to wit: bounded by a line commencing at the city limits on Davenport Avenue, at West Bridge, and passing through the center of Davenport Avenue to Morocco street, thence through the center of Morocco street to Broad street, thence through the center of Broad street to George street, thence through the center of George street to Temple street, thence through the center of Temple street to Chapel street, thence through the center of Chapel street to West Chapel street, thence through the center of West Chapel street to its termination, thence continuing in a straight line to the city limits, and thence following the city limits in a southerly direction to the place of beginning, shall be and remain Ward number TWO.

Ward No. 3. So much of said city as is included within the following boundaries, to wit: bounded by a line commencing at the city limits on Davenport Avenue, at West Bridge, and passing through the center of Davenport Avenue to Morocco street, thence through the center of Morocco street to Broad street, thence through the center of Broad street to George street, thence through the center of George street to Fair street, thence through the center of Fair street to Union street, thence through the center of Union street southerly to its termination, thence in a straight line to the end of the wharf owned by the New York and New Haven Railroad Company, (or the New Haven and Northampton Company,) thence in the same straight line to the city limits, and thence following the city limits in a southerly, westerly, and north-westerly direction to the place of the beginning, shall be and remain Ward number THREE.

Ward No. 4. So much of said city as is included within the following boundaries, to wit: bounded by a line beginning in the center of Temple street at its intersection with George street, and passing through the center of Temple street to Elm street, thence through the center of Elm street to Grand street, thence through the center of Grand street to Franklin street, thence through the center of Franklin street southerly to its termination, thence continuing in the same straight line to its intersection with the boundary line of the Third Ward, thence following said boundary line of the Third Ward in a north-westerly direction to the place of the beginning, shall be and remain Ward number FOUR.

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Ward No. 5. So much of said city as is included in the following boundaries, to wit: bounded by a line commencing at the city limits on the Middletown Turnpike, or State street, at Neck Bridge, and passing through the center of said Middletown Turnpike, or State street, to Franklin street, thence through the center of Franklin street southerly to its termination, thence continuing in the same straight line to its intersection with the boundary line of the Third Ward, thence following said boundary line southerly and easterly to the city limits, thence following the city limits northerly to the place of beginning, shall be and remain Ward number FIVE.

Ward No. 6. So much of said city as is included within the following boundaries, to wit: bounded by a line commencing at the city limits on Whitney Avenue, and passing through the center of Whitney Avenue to Temple street, thence through the center of Temple street to Elm street, thence through the center of Elm street to Grand street, thence through the center of Grand street to Franklin street, thence through the center of Franklin street to the Middletown Turnpike, or State street, thence through the center of said Middletown Turnpike, or State street, to the city limits, thence following the city limits northerly and westerly to the place of beginning, shall be and remain Ward number SIX.

Voters to reside in wards. SEC. 6.* At each annual and other meeting for the election of city officers in said city, the freemen shall vote for officers in the several wards wherein they shall have statedly resided for the two weeks next preceding such meeting, and not elsewhere; residence being for this purpose where the voter shall have statedly lodged: *provided*, that in no case shall any freeman give his ballot in any ward whereto he may have temporarily removed for the purpose of voting therein: *and provided further*, that if any freeman shall not have resided in any one ward continuously for the two weeks next preceding such meeting, he shall be entitled to vote for Mayor, Clerk, Sheriffs, Treasurer, Auditor, and Collector, only in the ward wherein he shall reside at the time of voting. And if any person shall vote in any ward where he is not entitled to vote, or shall vote in any ward for any officer for whom he is not entitled to vote in that ward, he shall be punished by a fine of One Hundred Dollars.

Penalty for voting illegally.

Moderator to keep record of voters, &c. The Moderator, or presiding officer, in each of the wards into which the said city of New Haven is divided, shall, at each city meeting, when the voting is by ballot, keep, or cause to be kept, a true record of the names of each and

*See Statutes of 1860 and 1861.

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every person casting a vote at any such meeting, and of the street in which he resides, and the number or location of his residence in such street; and it shall be the duty of every person offering to vote at any such meeting, to inform the presiding officer in the ward where he offers to vote, of his true name, the street in which he resides, and the number or location of his residence; and in case any person so offering his vote as aforesaid shall refuse to furnish to such presiding officer, full and satisfactory information of his name, the street in which he resides, and the number or location of his residence, said presiding officer shall not allow such person to cast his vote at such meeting.

Voters to furnish information.

Penalty for refusing.

And the said record shall be lodged and preserved in the office of the City Clerk.*

Record to be kept.

SEC. 7. At the annual election of city officers in said city, there shall be elected one Alderman and four Common Councilmen, in each of said wards, by the voters of each of said wards respectively and exclusively. But votes for all the other city officers, specified in Sec. 4, may be received from all the freemen of said city given in their respective wards; and the names of all persons voted for may be on one piece of paper, written or printed. And in case a vacancy in any office, which is to be filled as aforesaid by the exclusive votes of any ward, shall occur before the end of the year, the same may be filled by an election to such vacancy, by a plurality vote, for the residue of the official year, by the voters of that ward only, at a special election, which the Mayor is hereby authorized to call, in any such contingency, for that purpose.

Officers to be chosen.

Votes to be written or printed.

Vacancies to be filled.

SEC. 8. The several places of voting in the several wards, shall be designated by the Court of Common Council of said city, and shall be published by direction of the said Court of Common Council, at least six days before the day of election, in one or more newspapers in said city, and shall be also specified in the warnings of the city meetings. The Court of Common Council shall, from their own number residing in wards Nos. 2, 3, 4, 5 and 6, appoint a presiding officer, and a substitute, (in case of failure to attend,) at the election in each of said wards. The Mayor, or either Alderman, as moderator of the city meeting, shall be the presiding officer at the election in Ward No. 1. The members of the Court of Common Council, and such persons as the presiding officer may designate, residing in each ward, and present in the meeting for the choice of officers, shall assist

Places of voting to be designated and published.

Presiding officers to be appointed.

* Altered to Town Clerk by Statute of 1860.

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the presiding officer in the business of the meeting, in receiving, entering, counting and disposing of the votes therein received. The presiding officer in each ward shall order the names of the freemen, as they vote, to be enrolled.

Voters to be enrolled.

Ballot Box.

Sec. 9. There shall be, at every such election, at the place of voting in each ward, a ballot-box; said box shall be a closed box, with an aperture in the lid, of convenient size, through which the ballots may be put; each ballot shall be laid by the voter on the lid of said box, and shall be put into the box by the presiding officer of the ward in which the ballot is given, or by one of his assistants. The poll for the reception of votes on the day of election, shall be open from seven o'clock in the forenoon till five o'clock in the afternoon. And immediately after the poll is closed, the votes shall be counted, and a certificate of the true result in each ward shall be forthwith transmitted, under hand and seal of the presiding officer in each ward, together with the votes received and list of persons voting, to the presiding officer in Ward No. 1, at the City Hall; which certificate shall be received as evidence of the result in each ward. The persons having the greatest number of votes for the several offices, shall be declared duly elected, as well those for whom all the freemen of the city may vote as those voted for by the several wards. And in case of an equality of votes, so that any particular officer be not chosen, the presiding officer in Ward No. 1, shall, in presence of those assembled, forthwith designate by lot which of those having such equal vote is chosen.

Polls to be kept open.

Certificates to be given.

Plurality vote to elect.

Tie vote.

Sec. 10. Said presiding officer shall, on the day of election, declare the result as soon as it is ascertained in regard to all officers to be chosen at the annual city election. After the closing of the poll for the officers to be chosen, the city meeting at the City Hall in Ward No. 1, where all the freemen of the city may be present and participate, shall be and remain in session until the ballots are counted, and the result ascertained and declared as aforesaid, but shall not transact any other business; and when the result shall have been so declared, the presiding officer shall adjourn said meeting to the next day* at nine o'clock in the forenoon, to be held at the same place; and at such adjourned meeting the freemen present may proceed to transact any business lawfully before the said annual meeting. From a special election in any one ward, the result shall be certified to the next meeting of the Common Council, which shall designate by lot on any equal vote.

Result to be declared.

Ballots to be counted at city meeting.

Of special meetings. Tie vote to be determined by lot.

Sec. 11. The annual officers of said city, chosen at its

Tenure of office.

* See Act of 1861, Sec. 9.

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annual meetings aforesaid, shall hold their respective offices for one year from the day* on which they shall respectively be chosen, and until others shall be chosen and sworn in their stead; and whenever the Mayor, Clerk, Treasurer, Auditor, Collector, or either sheriff, shall resign, or be removed by death or otherwise, another shall be elected in his place by the freemen of said city, voting in their respective wards, as aforesaid, at a special meeting of said city, duly warned and held in the manner aforesaid, for that purpose; and each officer so elected shall continue in office until the annual meeting next following the day of his election, and until another shall be chosen and sworn in his stead. Vacancies to be filled.

CITY OFFICERS AND THEIR DUTIES.

SEC. 12. The Mayor, Aldermen, Common Council, Clerk and Sheriffs of said city, shall, before entering upon the execution of their respective offices, be sworn or affirmed to the faithful discharge of their duties; and the form of the oath or affirmation to be administered to them shall be as follows: Oath to be administered to city officers.

You, having been chosen of the City of New Haven, do swear that you will faithfully execute the duties of said office, according to your best skill and judgment—so help you God. Or, as the case may be,

You having been chosen of the City of New Haven, do solemnly and sincerely affirm that you will faithfully execute the duties of said office, according to your best skill and judgment, upon the pains and penalties of perjury.

Said oath or affirmation may be administered by a Justice of the Peace, or by the Mayor or either Alderman of said city; provided that he has first been sworn or affirmed according to this Act. The person administering any such oath or affirmation, shall give a certificate of the fact to the person to whom he shall have administered it, which certificate shall be recorded in the records of the city. Certificate to be given and recorded.

SEC. 13. The Mayor of said city shall hereafter be the chief executive magistrate thereof; and it shall be his duty to be vigilant and active in causing the laws to be executed and enforced. He shall have power to administer oaths, to take depositions, and to take acknowledgment of deeds, in all cases. He shall be conservator of the peace within said city, and shall have authority with force and strong hand, when necessary, to suppress all tumults, riots, routs and unlawful assemblies, and to arrest without warrant, and commit to prison for a time not exceeding twenty-four hours, Mayor, his duty and powers.

* See Act of 1861, Sec. 9.

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any person or persons who may be detected in reveling, quarreling, brawling, or otherwise behaving in a disorderly manner, to the disturbance or annoyance of the peaceable inhabitants of said city. He is also empowered to enter any house or building which he has reasonable cause to suspect to be inhabited by persons of ill-fame, or to which persons of dissolute, idle or disorderly character, are suspected to resort. And if any dissolute, disorderly or vagrant persons, are found assembled in or about any such house or building, he shall command all such persons immediately to disperse, if in his opinion the good order of any portion of the city requires it; and in case of neglect or refusal to obey such command, he is hereby authorized to commit any person or persons so disobeying, to prison for a term not exceeding forty-eight hours; and he shall have, and may exercise, within the limits of said city, all the powers given to Sheriffs or other officers, by the 67th and 68th sections of the Act entitled "An Act concerning Crimes and Punishments;" and he may at all times, if need be, require the aid of any Sheriff, Deputy Sheriff, Town or City Constable, or Watchman, or any or all of them together, with such other aid as may be necessary. And whenever he shall have reason to believe that great opposition will be made to the excution of his authority, he shall have power to call out the several companies of militia in said city, or any or either of them, and may exert all the force necessary to enable him to execute the laws within the limits of said city.

Mayor may commit.

May call out militia.

Penalty for resisting, hindering or abusing the Mayor.

Sec. 14. If any person shall hinder, obstruct, resist, or abuse the Mayor in the execution of his office, or, when commanded to assist therein, (being of sufficient age and ability,) shall refuse or unreasonably neglect so to do, such offender, being thereof duly convicted, shall pay a fine not exceeding one hundred dollars, or shall be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court having cognizance of the offense.

Pay of military service.

Sec. 15. Every commissioned officer and soldier, when called into service by the Mayor of said city, in manner aforesaid, shall be entitled to the same pay, and, disobeying the commands of the Mayor, shall be subject to the same penalty as is provided when called into service by the Sheriff of the county, by virtue of the Act entitled "An Act relating to Sheriffs."

City Clerk, his duties.

Sec. 16. The Clerk of said city shall keep the records of said city. Upon said records he shall make true and regular entries of all the votes and proceedings of said city and of the Court of Common Council. He shall cause the by-laws

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of said city which may hereafter be enacted, to be published according to law, and whenever he shall have caused any by-law to be so published, he shall enter upon said records his certificate of the fact that he has so caused said by-laws to be published. He shall make upon said records, from time to time, records of his own acts in serving notices of orders passed by the Court of Common Council. He shall also, whenever an Assistant Clerk shall be appointed, record the facts giving validity to such appointment. All records hitherto kept, or which may hereafter be kept by any Clerk of said city, shall have the same validity as the records of Town Clerks, and shall be in all courts evidence of the truth of the matters therein recorded. And of any such record hitherto kept, or which may hereafter be kept, by any Clerk of said city, or by any Assistant Clerk thereof, a copy certified under the hand of any Clerk of said city shall be received in all courts as evidence in the same manner as the original record would be received.

Records of to be received as evidence.

Certified copy.

Assistant Clerk to be appointed by Common Council.

Records of.

May be removed.

Treasurer, powers of.

Sheriffs, powers of.

City liable for default.

Collector of Taxes, powers and responsibilities of.

SEC. 17. The Court of Common Council may at any time appoint an Assistant Clerk, who, after having taken the oath or affirmation provided by law for the Clerk of said city, shall, in the absence or disability of said Clerk, have power to perform all the duties of said Clerk. All acts of said Assistant Clerk, and all records kept by him, shall have the same validity and effect as acts and records of the City Clerk. The Court of Common Council may at any time remove the Assistant Clerk from office, and appoint another in his place.

SEC. 18. The Treasurer shall have the same power and authority which Town Treasurers have, and shall be accountable to said city.

SEC. 19. The Sheriffs of said city shall, within the limits of the same, have the same power and authority as the Sheriffs of the counties, and shall be liable to the same penalties and suits for neglect of duty; and said city shall be liable for the default of its Sheriffs in their offices.

SEC. 20. The Collector of Taxes of said city shall collect every tax duly laid by said city, and, having received a warrant for that purpose, signed by the Mayor or one of the Aldermen of said city, shall have the same power as Collectors of town taxes, and shall be accountable to the Mayor and Aldermen, in the same manner as Collectors of town taxes are to Selectmen; and in case any Collector shall not perform his trust, then, on complaint by the Aldermen to the Mayor of the city, he shall issue his warrant under his hand, directed to either Sheriff of said city, to collect out of the estate of the negligent Collector the sum due from him.

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Treasurer, Collectors and Sheriffs to give bonds

SEC. 21. The Treasurer, Collectors and Sheriffs shall severally give bonds, with surety, in such manner as by the by-laws of said city shall be directed, for the faithful discharge of the duties of their respective offices, and in case of the refusal or neglect of either of said officers to give such bonds, his office shall be deemed vacated by such refusal or neglect, and said city shall appoint another in his stead.

Street Commissioner.

SEC. 22. *A Street Commissioner shall be appointed from time to time, by the Court of Common Council. He shall

Tenure of office.

hold his office at the pleasure of said Court of Common Council, and when once appointed, shall continue in office until another be appointed in his stead. He shall exercise the

Powers.

powers specifically given him by this Act, together with such other powers as said Court of Common Council shall lawfully

Compensation of

confer upon him; and he shall receive such compensation for his services as said Court of Common Council may, from time to time, prescribe.

Common Council, composition of, &c.

SEC. 23. There shall be a Court of Common Council of said city, composed of the Mayor, Aldermen and Common Councilmen. A majority of the members of said Court of Common Council shall constitute, at any meeting of said Court, a quorum for the transaction of business. Any number of members less than a quorum, at any such meeting, shall have the power to adjourn such meeting to such time as they shall see fit, but shall not have power to transact any other business. All acts of the said Court, at any meeting, shall be done by a major vote of the members present at such meeting.

Powers of Common Council.

SEC. 24. The Court of Common Council shall have power, under the restrictions hereinafter set forth, to make such by-laws as they may see fit to make in relation to the following

Nuisances.

subjects, namely: Nuisances of all kinds in said city;—the summary abatement of nuisances in said city, by the Street Commissioner, or some other person or persons, in such man-

Sinks, Sewers, Drains, &c.

ner as such by-laws may prescribe;—sinks, cess-pools, gutters, drains, sewers, privies, filth and rubbish in said city;—

Carting fish, &c.

the carting of white-fish, or other fish, in said city;—the depositing of fish upon land in said city;—tumultuous or dis-

Tumults, &c.

orderly disturbance or noises in the night season, in said city;

Cattle, at large.

—horses, cattle, sheep, swine, and geese, going at large in

Storing Lumber.

said city;—the storing or piling of lumber in said city;—

Steam-boilers.

stationary steam boilers hereafter to be erected in said city; the regulation of the erection and use of such boilers hereafter to be erected in said city;—the prohibition of the erec-

* See Act of 1864, concerning Streets, Highways and Public Parks.

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tion of such boilers within such limits or in such places as the by-laws shall prescribe ;—gun powder in said city ; the keeping, the use, and the sale thereof, in said city ; the conveyance thereof into, through and out of said city ; the granting of licenses for the storing, keeping and selling thereof in said city ; and the requiring, for the use of the treasury of said city, of a sum not exceeding fifty dollars per annum for every such license ;—fire-works, and the keeping, the sale, and the using of fire-works in said city ;—the discharging of fire-arms in said city ;—* the preservation of said city from damage by fire, and from exposure to danger from fire ;—the prevention of the using of buildings in said city for such trades, occupations, uses or purposes as will, in the opinion of the Common Council, expose such buildings, or other buildings in said city, to danger from fire ;—the fire department in said city ;—the markets and commerce in said city ; —the inspection of produce brought into said city for sale or exportation ;—the vending of charcoal in said city ;—the wharves and the channels in said city, and the mooring of vessels in said city ;—the cutting, breaking or injuring of trees, and the protection and preservation of trees in the streets, highways and public squares in said city ; the public squares, streets, highways and walks in said city ; the keeping of such squares, streets, highways and walks, clean and free from rubbish and obstructions ; the laying out and regulation of such squares and walks ;—public lights, lamps and lamp-posts, in said city ;—gas pipes in the streets and highways in said city, and the manner of laying such pipes in said streets and highways ; trespasses in gardens in said city ;—the sweeping and cleansing of chimneys in said city ; —the licensing of cartmen, truckmen, porters, hackmen, and drivers of hacks, sleighs and carriages for hire, in said city ; and the licensing of the owners of hacks, sleighs, carts and carriages, to use and employ the same by themselves or their servants, in the carriage of passengers or goods for hire, within said city ; the prohibition and prevention of unlicensed persons from acting as cartmen, truckmen, hackmen or drivers, and from using and employing hacks, sleighs, carts or other carriages, by themselves or by their servants, in the carriage of passengers or goods for hire in said city ;— burying grounds, and the burial of the dead, in said city ; the preservation of the health of the inhabitants of said city ; —public buildings in said city ; the protection of such build-

Gun powder.

Fire-works and Fire-arms.

Fire.

Fire Department.

Markets and produce.—Charcoal.

Wharves and Vessels.

Trees, Streets, and Squares.

Lights, Lamp-posts and Gas-pipes.

Trespasses.

Chimneys.

Licensing of Cartmen, Porters, Hacks, &c.

Burying Grounds and Burials.

Public buildings.

* See Act of 1862, creating a Board of Fire Commissioners, and Act of 1864, relating to Fire Limits, &c.

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Military, &c. ings from defacement and injuries;—military parades and rendezvous, and the marching of military companies in said city; the designation of places for military parades in or Public meetings. near said city;—public assemblages, receptions and celebrations in said city;—the manner of warning meetings of said city, and of the wards of said city, and of the Common Council, and the times and places of holding such meetings;—the Police. city watch or police of said city;*—the preservation of order in said city by the watch or police of said city; the enforcement by them of the by-laws of said city, and the prevention by them of the violation of such by-laws in said city;—the Jurors. neglect of persons to attend the city court as jurors, and to serve in said court as jurors, when duly summoned so to attend;—the mode of taxation as to taxes levied by said city; Taxation. —and such Common Council may in such by-laws prescribe, Penalties. at their discretion, penalties for the breach of such by-laws: Penalties not to exceed $100. *provided*, that no penalty, except for the breach of a by-law relating to steam boilers, or of a by-law relating to gun powder, shall exceed one hundred dollars; and that no by-law By-Laws published. shall be made repugnant to the Statute Laws of the State; and that all by-laws shall be published at least three weeks successively in two or more newspapers in said city, before the same shall be of any validity.

Mayor may call city meeting to approve or disapprove of By-Laws. SEC. 25. Within sixty days after any by-law shall hereafter have been passed, the Mayor may, if he sees fit, call a special meeting of the freemen of said city, to be held at such time, within ten days from the time of the calling thereof, as the Mayor may in his call designate, to approve or disapprove of said by-law; and upon the written request, within said sixty days, of seven Common Councilmen and twenty other freemen of said city, he shall, at all events, call such a meeting in the manner and for the purpose aforesaid. In the absence of the Mayor from the city, or in case of his disability to act, such meeting shall be called, as aforesaid, upon such written request made within said sixty days as aforesaid, by any Alderman to whom such request shall be addressed. City meeting, by vote, may repeal By-Law. If, at any meeting so called, the freemen present shall vote to disapprove of said by-law, then from that time said by-law shall be and remain repealed and void; otherwise it shall continue in full force.

Penalties and forfeitures to be recovered for use of City, unless otherwise provided. SEC. 26. All penalties and forfeitures for the breach of said by-laws shall be to the use of said city, or, as the case may be, to the use of such person or persons as said by-laws shall designate, and may be recovered by the Treasurer of said

* See Acts of 1861 and 1864, organizing a Police Department.

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city, for the use of the same, by actions of trespass on the case, or any other proper form of action, upon such by-laws, in the name of said Treasurer against the persons violating such by-laws—or, as the case may be, by similar actions in the names of the persons in whose favor such forfeitures shall be made. Said actions shall be brought to the City Court of said city, and in them no appeal shall be allowed. Nothing hereinafter contained in Sections 27, 28, 29, 30, 31, 32 and 33, shall be construed so as to take any matter from the jurisdiction of the City Court; but the civil suits hereinafter provided for, may be brought and maintained in the same manner as if neither of said sections were contained in this act—provided, however, that no person shall be prosecuted both civilly and criminally for the same act of breaking any by-law.

No appeal from City Court.

No person to be prosecuted both criminally and civilly.

Sec. 27. It shall be lawful for, and the duty of the City Attorney of said city, to institute complaint or information in his own name as City Attorney, for any breach of any of the existing by-laws, orders or ordinances of said city, or of any by-law, order or ordinance of said city, which may be hereafter made; which complaint or information may be instituted before any Justice of the Peace of the town of New Haven, residing in said city; and such Justice of the Peace shall have jurisdiction of every case so brought before him, and shall issue his warrant upon such complaint or information, and service of said warrant shall be made as in ordinary criminal cases, and said Justice shall proceed thereupon as in ordinary criminal cases, and shall hear and determine the case arising upon such complaint or information.

City Attorney to institute complaint.

Jurisdiction of Justice.

Sec. 28. If the person so complained of or informed against shall be found guilty of the offence with which he stands charged, he shall pay, by judgment and sentence of such Justice, a fine of the same amount as the penalty provided in such by-law, order or ordinance, for such offense, with costs of prosecution; and if he neglect to pay the same, said Justice may commit him to the work-house in said town, or to the New Haven County Jail, for a term not exceeding thirty days.

Justice of the Peace may commit to the work-house or County Jail, when.

Sec. 29. All fines and costs so recovered before such Justice, shall be recovered for the use of said city, and all fines and costs so paid by delinquents to such Justice, shall be by him, or by said City Attorney, paid to the Treasurer of said city for the use of said city, and said city shall pay all costs of prosecution unpaid by such delinquents, and the Treasurer of said city shall pay over the same to such Justice or to said City Attorney, upon the written order and receipt of

Fines and costs for the use of City. To whom paid.

Treasurer to pay costs when.

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such Justice or City Attorney; and the fees for prosecution in all such cases, shall be the same as the fees of the Grand Juror, Justice and witnesses in other prosecutions.

Fees.

Bonds to be given in appeals from Justice of the Peace to City Court.

SEC. 30. The person found guilty as aforesaid, may appeal from the judgment of such Justice to the next City Court to be holden in said city; provided that upon so appealing, he shall give such bond of recognizance with surety as such Justice shall order, conditioned for his appearance before said City Court to answer to such complaint or information, and for his abiding the judgment that may be rendered thereon by said City Court; and said bond of recognizance shall be taken to the Treasurer of said city. Any suit brought upon any such bond, shall be brought to the City Court of said city.

City Attorney to prosecute.

SEC. 31. The City Attorney of said city shall appear before said City Court in behalf of said city, and prosecute said complaint or information upon which said appeal is taken, and shall have the same fees as the State Attorney now by law has in criminal cases brought by appeal to the Superior Court; and said City Court shall have final jurisdiction in every such case so brought by appeal before it, and shall proceed with the same as a criminal case in all respects to final judgment, and upon conviction of the person accused, he shall pay by order and sentence of said City Court, a fine of the same amount as the penalty provided for his offense in the by-law, order or ordinance, against which he has offended, with all the costs of prosecution; and if he neglect to pay the same, he may be committed by said City Court to said work-house or said jail for a term not exceeding thirty days; and all costs of any such prosecution not paid by the person prosecuted, shall be paid by the Treasurer of said city to the Clerk of said City Court, to be by him paid out to the persons entitled to receive the same; such costs being first taxed by the Recorder of said city, or by a Judge of said City Court.

Fees of.

City Court, final jurisdiction.

Fines.

Treasurer to pay costs, when.

Bills of board for prisoners, by whom taxed and paid.

SEC. 32. All bills of board for prisoners shall be from time to time, by the Recorder or some other Judge of said City Court, adjusted, taxed and allowed to the keeper of said work-house or said jail; and shall, as taxed and allowed, be paid by said City Treasurer from the treasury of said city; and no charges, either for costs of prosecution, or for board, shall be taxed against this State, or the county or the town of New Haven, in any prosecution arising under this act.

Not necessary in complaint to recite By-Law.

SEC. 33. In any complaint or information instituted pursuant to this Act, it shall not be necessary to recite at

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length the by-law, order or ordinance, for the breach of which such complaint or information is instituted, but it shall be a sufficient description of the offense for such complaint or information, to set forth the act complained of, and to allege the same to have been done "contrary to the by-law, (order or ordinance, as the case may be,) of said city, in such case provided."

HIGHWAYS, STREETS AND BRIDGES.

SEC. 34.* Said Court of Common Council may at any time appoint a committee to lay out a new highway, street or public walk in said city, or to alter one already in existence; and such committee shall have power to lay out or alter such highway, street or walk, by taking the same steps and measures which Selectmen are now by law required to take in laying out new highways; provided, however, that the damages agreed upon or assessed, shall be paid from the treasury of said city, and that the survey shall be accepted by the Common Council instead of being accepted by the town, and shall be recorded in the records of the city instead of the records of the town, and that the money deposited for the use of persons injured, shall be deposited in the treasury of the city instead of the treasury of the town: and any highway, street or walk so laid out or altered, shall be and remain for the use for which it shall have been so laid out or altered; and provided further, that any person aggrieved by such lay-out or alteration, shall have the same remedy, by application to the Superior Court, which is by law provided in the case of the laying out of a highway by the Selectmen.

Common Council to appoint Committee.

Powers of.

Damages to be paid by City.

Survey to be accepted by.

To be recorded.

Appeal to Superior Court.

SEC. 35. The Court of Common Council of said city shall be, and they hereby are authorized and empowered to designate lines on the lands of proprietors adjoining the streets, highways and alleys, both public and private, already laid out, or hereafter to be laid out in said city, between which lines and such streets, highways or alleys, no building or part of a building shall be erected; *provided*, such lines be not more than fifteen feet distant from such street, highway or alley. Every person who shall erect any building, or part of a building, between any such line and any such street, highway or alley, shall forfeit and pay to the Treasurer of the city of New Haven a sum not less than one hundred dollars, nor more than five hundred dollars; to be recovered by the Treasurer of said city in an action of trespass on the case, or any other proper form of action, in his

Common Council to designate lines for buildings.

Penalty for violation of.

* See Amendment of 1862, constituting the City a Highway District, and Act of 1864, concerning Streets, &c.

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Buildings to be assessed fourfold, when

own name against such person; and in addition to such penalty, all such buildings shall be annually assessed fourfold in the lists of polls and rateable estate of the town and of the city of New Haven; and it shall be the duty of Assessors to set the same accordingly in the lists of said town and city, and all such buildings shall be ever afterwards rated accordingly in all taxes whatever.

Notice to be given to proprietors.

SEC. 36. When the Court of Common Council of said city shall, in pursuance of the thirty-fifth section of this Act, designate a line or lines on the lands of proprietors, adjoining any street, highway or alley, public or private, said Court of Common Council shall cause reasonable notice to be given to the proprietor or proprietors of the land where said line or lines are proposed to be designated, to be present at the time such designation shall be made; and in making such designation due regard shall be had to the general line of such street,

Survey in writing to be made.

highway or alley. And the Court of Common Council shall cause a survey in writing to be made, containing a particular description of such line or lines, with the quantity of land on which the proprietor or proprietors are prohibited to build, which being accepted by said Court of Common Council,

Damages to be paid.

shall be recorded in the records of said city. And the damage done to such proprietor or proprietors by such designation, shall be paid in whole or in part by the city, or in whole or in part by the person or persons who may apply for the same, as the Court of Common Council shall direct;

How estimated.

which damages shall be estimated by three judicious, disinterested freeholders of the city or town of New Haven, who shall be appointed and sworn by the Mayor or either Alder-

Certificate to be recorded.

man, and a certificate thereof made and recorded in the records of the city. And it shall be the duty of said freeholders to make return of their doings to the Clerk of said city, who shall record the same. *Provided*, nevertheless, that if any person shall be aggrieved by the estimate of damages,

Appeal to Superior Court.

as aforesaid, such aggrieved person may apply for relief to the next Superior Court to be holden in said city, causing due notice to be given of such application, by leaving a copy thereof with the Clerk of said city, which Court shall inquire into the facts stated, and, if judged expedient, may

Action of Superior Court.

set aside the doings of such freeholders, and appoint three other freeholders of the city or town of New Haven to reestimate such damages, who shall be sworn, and shall also cause due notice to be given to the parties interested, to be present at the time such estimate shall be made, and make a report of their doings to said Superior Court, which being accepted, shall be final and conclusive; and the Court may

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allow costs, or not, to either party, as it shall seem just and reasonable.

Damages, when and to whom paid.

SEC. 37. The amount of damages so estimated shall be paid to such proprietor or proprietors, or the money deposited with the Treasurer of the city, subject to his or their order, within three months from the rising of said next Superior Court, if no application for a re-assessment of damages has been made to said Court, and within six months from the termination of all proceedings in said Court upon said application, where an application has been made and new appraisers appointed; and on failure thereof in either of the cases aforesaid, the designation of such line or lines shall be void.

Common Council have supervision over bridges crossing railroads.

Powers.

SEC. 38.* Said Court of Common Council shall have supervision over all bridges crossing railroads in said city, and may, from time to time, order the widening or repairing of such bridges, in such manner and within such times as in their judgment public convenience may require; and in case any railroad company, whose road such bridge crosses, shall neglect to obey such order, said Common Council may cause the required widening or repairing to be executed at the expense of said city, and the Treasurer of said city may then collect the amount of such expense in an action of trespass on the case, in his own name, against such delinquent company.

SIDEWALKS.

Powers of Common Council over sidewalks.

May give specific directions.

Proprietors neglecting, Street Commissioner to proceed.

SEC. 39.† Said Court of Common Council may, from time to time, order the proprietor or proprietors of lands or buildings fronting upon highways and streets in said city, to make, raise, level, pave or flag sidewalks‡ and gutters in front of said lands or buildings, in such manner and within such times as said Court of Common Council shall direct; and said Court of Common Council, in giving such order, may at pleasure give specific directions as to the manner in which such sidewalks or gutters shall be made, raised, levelled, paved or flagged, or may in general terms direct that the same shall be made, raised, levelled, paved or flagged, to the acceptance of the Street Commissioner. If any such proprietor or proprietors shall neglect to perform the thing or things required by any such order, in the manner and within the time specified in such order, it shall be the duty of the Street Commissioner, at the expense of said city, to execute such order in the manner therein prescribed; and the expense incurred by said Commis-

* See Act of 1864, concerning Streets, &c

† See Acts of 1862 and 1864, concerning Streets, &c.

‡ And clear from snow and ice. See Act of 1861.

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sioner on account of said city in executing any such order, shall, from the time when such expense begins to be incurred, be and continue a lien or real incumbrance upon such lands and buildings, in favor of said city, and shall take precedence and priority of all other liens or incumbrances thereon, (except taxes due the State) and the lands and buildings on which any such lien may exist, shall be liable to be foreclosed in the same manner as if said lien were a mortgage on said lands and buildings, in favor of said city, to secure the amount of such expense: *Provided*, however, that such lien shall not continue to exist for a longer period than sixty days* after the final execution of the order, unless within that period a certificate, signed by the Street Commissioner, or by the Mayor of said city, (describing the premises on which the lien exists, and the amount claimed by said city as a lien thereon,) shall be lodged with the Town Clerk of the town of New Haven; provided further, that any such lien shall cease to exist whenever a certificate that it has ceased to exist, signed by the Mayor or Street Commissioner for the time being, shall be lodged with said Town Clerk. All such certificates said Town Clerk shall record with deeds of lands.

Priority of lien.

Except.

Lien to continue not longer than sixty days, unless certificate be filed with the Town Clerk.

Lien how removed.

Certificates to be recorded.

Sec. 40. At the time when said Court of Common Council shall make any order pursuant to Section 39, or at any subsequent time, either before or after said Street Commissioner shall have executed such an order, as aforesaid, if the land or building (or any part thereof) in front of which said sidewalk is, by such order, required to be made, raised, leveled, paved or flagged, shall be holden for a term of years or any greater estate less than a fee simple, said Court of Common Council may apportion, in such manner as they shall judge right, among the different persons having interest in said premises, the expense of carrying such order into execution, and thereupon each of said persons shall be bound to contribute towards the execution of such order the proportion of expense so apportioned to him; and if said order shall be executed by the Street Commissioner, as aforesaid, then each of said persons shall be severally bound to pay to said city the portion of expense which then may have been or may thereafter be apportioned to him as aforesaid. In all other cases, any person owning in fee simple such premises, shall be liable to pay to said city the whole of the expense incurred by said Street Commissioner, as aforesaid, and any two or more persons owning such premises in fee, jointly or as tenants in common, shall be jointly liable to pay to

Expenses to be apportioned by Common Council when.

* See Acts of 1861, 1862 and 1864.

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said city the whole of said expense; and the portion of expense which any person or persons shall be liable to pay to said city as aforesaid, may be recovered by the Treasurer of said city, for the use of said city, by action of trespass on the case in his own name, against such person or persons.

Appeal to Superior Court.

SEC. 41. If any person or persons shall be aggrieved by the doings of the Court of Common Council, under Sections 39 and 40 of this Act, such person or persons may prefer his, her or their complaint to the next Superior Court, in the county of New Haven, against said city, by causing a copy of such complaint to be left with the Clerk of said city, before the sitting of said Superior Court; and if said Superior Court, on hearing such complaint, shall be of opinion that any part, or the whole of the expense, ordered to be paid by such persons, ought to be borne by said city, said Superior Court shall order and direct that such complainant, or complainants, be relieved from the payment of such part, or from the whole of such expense, as to them may appear just and equitable; and shall order that the expense for which relief shall be granted, as aforesaid, be paid by said city; and if it shall appear on such hearing that such complainant, or complainants, have actually paid any sum or sums of money, in consequence of any order made by said Court of Common Council, as aforesaid, which ought to be refunded, said Superior Court may grant execution in favor of such complainant, or complainants, against said city, for said sum or sums.

Powers of Superior Court.

Crosswalks.

SEC. 42. When any sidewalk shall cross a street or highway, said Court of CommonC ouncil may cause the same, in such place, to be suitably leveled or raised, and paved or flagged at the expense of said city.

Common Council may order removal of nuisances from lands and buildings.

SEC. 43. Said Court of Common Council may, from time to time, order the proprietors or occupants of lands or buildings within said city, to remove from said lands or buildings, within such time as said Court shall limit, any filth, rubbish or nuisance, existing on or in such lands or buildings; and in making any such order it shall not be necessary for said Court to specify the particular filth, rubbish or nuisance to be removed, but they may, in general terms, require the removal of all filth, rubbish or nuisances on or in such premises. And said Court may, from time to time, order such proprietors or occupants to keep such land or buildings clean and free from filth, rubbish and nuisances, for such length of time as said Court of Common Council shall designate; but no such order for a length of time upon any proprietor or occupant, shall continue in force against him after his proprietorship or occupancy shall have ceased. If any such order shall

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Proprietors may enter and remove.

be made upon any proprietor who is not an occupant of such premises, he shall have the right to enter into and upon such premises, with and by proper assistants and agents, for the purpose of executing the requirements of such order, and may recover the expense of executing such an order by an action of trespass on the case, against the person or persons whose negligence shall have caused the said filth, rubbish or nuisance, to exist on said premises. Where such premises are held by any person or persons for a term of years, whereof at least two are unexpired, or any greater estate less than a fee simple, such person or persons, and not the owner in fee, shall be deemed the proprietor or proprietors, within the meaning of this section. Said Court of Common Council shall, from time to time, appoint a Nuisance Committee, and such committee shall have full power to make and give any of the orders specified in this section ; and any such order, so given, shall, until revoked by the Common Council, have the same force and effect as if it had been given by said Court of Common Council ; but said Court of Common Council may, at any time, revoke any such order.

Who deemed proprietors.

Nuisance Committee to be appointed.

Powers of.

Common Council may order all gutters, drains or streams to be kept clean.

SEC. 44. Said Court of Common Council may, from time to time, order the occupants or proprietors of lands in said city, whereon there may be drains, gutters or streams, to keep said drains, gutters or streams, free from accumulations of rubbish and filth, and to clear out the same for and within such times as said Court of Common Council shall prescribe ; and may order such proprietors to deepen or widen such drains, gutters or streams, or alter the course thereof, or cover, or plank, or wall the same, with such materials as said Common Council shall prescribe, upon their respective premises, in such manner and within such times as said Court of Common Council shall direct. And said Court may, at any time, in general terms, order such clearing out, deepening, widening, alteration or other act, to be done to the acceptance of the Street Commissioner. If such premises be held by any person or persons, for a term of years, whereof at least five are unexpired, or any greater estate less than a fee simple, then such person or persons, and not the owner in fee, shall be deemed the proprietor or proprietors, within the meaning of this section. If such order be made, as aforesaid, upon any proprietor who is not an occupant of said premises, he shall have the right to enter into and upon such premises, with and by proper assistants and agents, for the purpose of executing the requirements of such order.

Who deemed Proprietors.

Penalty.

SEC. 45. If any person or persons, upon whom any of

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the orders specified in Section 43 or Section 44 shall have been made, shall neglect to perform the requirements of such order in the manner and in the time specified in such order, the Street Commissioner may execute such order at the expense of the city ; and thereupon the Treasurer of said city may recover, for the use of said city, by action of trespass on the case brought in his own name against said person or persons, the amount of such expense.

FORMS OF BY-LAWS, COMPLAINTS, ORDERS, ETC.

Forms. SEC. 46. Forms substantially like the following forms may be used in reference to the matters indicated in their titles, and shall be sufficient ; but nothing in this Section shall be construed as prohibiting the use of other forms in reference to the same matters, or as invalidating any other forms :

Other forms may be used.

I. FORM OF BY-LAW.

By-Law. Be it ordained, by the Court of Common Council of the City of New Haven :

SEC. 1, &c.

II. FORM OF COMPLAINT BY CITY ATTORNEY, PURSUANT TO SECTION 27.

Complaint by City Attorney. To A. B., Esq., a Justice of the Peace of the Town of New Haven, within and for New Haven County, residing in the City of New Haven, comes C. D., City Attorney of said City, and on his oath of office complaint and information makes, that since the incorporation of said City, to wit, on the day of A. D. 18 , and within the limits of said city, of the town of in the County of with force and arms, [set forth the act complained of,] against the peace, contrary to the by-law, [order or ordinance, as the case may be,] of said City, in such case provided, and contrary to the form of the statute in such case provided. Wherefore, the said City Attorney prays process, and that the said may be arrested, held to answer to this complaint, and be thereon dealt with according to law.

Dated at said New Haven, this day of A. D. 18

C. D.,
City Attorney.

III. FORM OF AN ORDER UNDER SEC. 38.

Order under Sec. 38. Whereas, in the judgment of this Court, public convenience requires the [widening or repairing] of the bridge crossing

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Bridges.

the Railroad in street, in the manner and within the time hereinafter prescribed: therefore—

Ordered, that the Rail Road Company, whose road said bridge crosses, [widen or repair] said bridge before the day of in the following manner, to wit: [state the manner in which the widening and repairing is to be done.]

IV. FORM OF ORDER UNDER SEC. 39.

Order under Sec. 39.

Sidewalks.

Ordered, That [a or the] sidewalk on the side of street, from to be by the [proprietor or proprietors] of the lands fronting on said street, upon that side thereof and between said points, to the acceptance of the Street Commissioner, before the day of

V. FORM OF CERTIFICATE OF LIEN UNDER SEC. 39.

Certificate of lien.

This certificate witnesseth, that the Mayor, Aldermen, Common Council and Freemen of the City of New Haven, have a lien on certain land in said city, owned in whole or in part by A. B., bounded and described as follows, to wit: [describe the premises,] and that the amount claimed as a lien, as aforesaid, on said premises, is dollars, and cents. In witness whereof, I have hereunto set my hand at said city, this day of 18

C. D.,
Mayor [or Street Commissioner] of said city.

FORM OF CERTIFICATE OF DISCHARGE OF LIEN UNDER SEC. 39.

Form of certificate of discharge.

This certificate witnesseth, that the lien heretofore claimed by the Mayor, Aldermen, Common Council and Freemen of the City of New Haven, upon the premises owned in whole or in part by A. B., bounded and described as follows, to wit: [describe the premises,] has ceased to exist. In witness whereof, I have hereunto set my hand, at said city, this day of A. D., 18

C. D.,
Mayor [or Street Commissioner] of said city.

VI. FORM OF AN ORDER OF APPORTIONMENT UNDER SEC. 40.

Order of apportionment under Sec. 40.

Whereas, by an order of this Court it has been made the duty of the proprietors of a certain piece of land, to wit: [describe it,] to a sidewalk in front of said land; and whereas the said land is held by different persons, to wit: A. B., C. D., and E. F., in such a manner as to authorize this Court to apportion among said persons, pursuant to

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Sec. 40 of the City Charter, the expense of executing said order; and whereas said expense is estimated at [or ascertained to be] dollars, and cents;—

Ordered, That the said A. B. pay [state the fractional part] of said expense;—and said C. D. [fractional part] of said expense, [and so on.]

VII. FORMS OF ORDERS UNDER SEC. 43.

Orders under Sec. 43.

Nuisances.

Ordered, That the [proprietors or occupants] of the premises hereinafter designated [describe the premises clearly enough to identify them,] remove from said premises all filth, rubbish or nuisances, in or on said premises, before the day of

Ordered, That the [proprietors or occupants] of the premises hereinafter designated, to wit: [describe the premises clearly enough to identify them,] keep the same clean and free from filth, rubbish and nuisances, for months from the passage of this order.

VIII. FORMS OF ORDERS UNDER SEC. 44.

Orders under Sec. 44.

Whereas there is a certain [drain, gutter or stream] on the land [or lands] hereinafter designated, to wit: [describe the land or lands clearly enough to identify it or them.]

Drains, &c.

Ordered, That the [occupants or proprietors] of said premises clear out said [drain, gutter or stream] on their said [or respective] premises, on or before the day of and keep said [drain, gutter or stream] on their said or [respective] premises free from accumulations of rubbish and filth, to the acceptance of the Street Commissioner, until the further order of this Court.

Whereas, there is a certain [drain, gutter or stream,] on the land [or lands] hereinafter designated, to wit: [describe the land or lands clearly enough to identify it or them.]

Odered, That the proprietor [or proprietors] of said land [or lands] [specify the act to be done and the manner of doing it] before the day of to the acceptance of the Street Commissioner.

PUBLIC HACKS, ETC.

Regulations of Hacks.

SEC 47. Said Court of Common Council may, from time to time, make such orders, rules and ordinances, as they may deem necessary for the regulation of the public hacks, sleighs or other public carriages for the conveyance of passengers in said city; may establish the rates of fare for the conveyance of any passengers to and from any steamboat landing, or railroad depot or station, or other place or places within

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the limits of said city; may assign and establish suitable and convenient stands for such hacks, sleighs or other public carriages, in the streets, at the steamboat landings and railroad stations in said city; may make all necessary rules and orders for the safe and orderly occupation of such stands; and may prescribe such penalties for each and every violation of any such order, rule, ordinance or regulation, as they may deem proper, not exceeding thirty-four dollars for any one offense.

Orders to be certified and published.

SEC. 48. All such orders, rules, regulations and ordinances, shall be certified by the Clerk of Common Council, and published in one or more newspapers published in said city, at least once a week, for three weeks before the same take effect.

Penalty.

SEC. 49. If any driver, owner, or person having charge of any public hack, sleigh or other carriage, for the conveyance of passengers, shall refuse to conform to any such order, rule, regulation or ordinance, so made and published, such driver, owner, or other person having charge of such hack, sleigh or carriage, or either of them, shall, upon conviction thereof in the City Court, forfeit and pay to the Treasurer of said city such fine as shall be by said Court of Common Council prescribed therefor.

SPECIAL ORDERS.

Common Council may make orders.

SEC 50. Said Court of Common Council may make orders, to be executed for, and at the expense of said city, concerning those subjects in relation to which they shall have power to make by-laws; and may make orders granting appropriations to defray the expenses of said city. The vote upon any such order shall, upon request of any member of the Court of Common Council present, be taken by yeas and nays; and a report of the vote, with the names of the persons voting yea or nay respectively, shall, on the request of such member, be published in one or more newspapers of said city. No such order shall be made unless the Mayor or one of the Aldermen be present at the time when it is made. At the meeting whereat any such order shall be made, the Mayor, or, in his absence, the senior Alderman present, may suspend, and, if requested so to do by one Alderman and five other members of the Court of Common Council, shall, at all events, suspend said order. Any order so suspended, shall have no validity until it shall be approved by a meeting of the freemen of said city; and whenever such order shall have been so suspended, the Mayor (or the said senior Alderman, as the case may be,) shall call a meet-

Vote by yeas and nays when.

Order may be suspended when.

Order, when suspended, to be approved by City Meeting.

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ing of said freemen, to be held within ten days from the passage of such order, to approve or disapprove of such order. If said meeting of freemen shall approve of said order, such order shall thereupon take effect, and thereafter be in full force—otherwise not.

SPECIAL CONSTABLES, POLICE, ETC.

Appointment, power and tenure of office of Special Constables.

SEC. 51. The Court of Common Council of said city may, from time to time appoint such number of persons as they may see fit, as Special Constables, who shall take the oath provided for executive officers, and shall hold their offices until ten days after the next annual meeting, unless sooner removed by said Court of Common Council, who shall have the same power within said city, to preserve and secure offenders, as constables have within their respective towns.

Penalty for resisting or abusing Mayor, City Watch or Special Constables.

SEC. 52. If any person shall abuse or resist the Mayor of said city, or the City Watch, or such Special Constables, in the execution of their respective offices, such person or persons so offending shall be liable to the same punishment as is by law provided for resisting and abusing any Justice of the Peace, Sheriff, or Constable, in the execution of their office.

Not to assemble upon sidewalks, &c.

SEC. 53. It shall not be lawful for persons to assemble idly and remain in crowds upon the sidewalks, cross-walks, or walks upon the public squares, or before churches, or before or within the cemeteries of said city; and all persons, to the number of three or more so assembling, and refusing to disperse when commanded by a Police Officer, Special Constable, Sheriff, Alderman, or the Mayor of said city, or by a Justice of the Peace, Sheriff, Deputy Sheriff, or Constable, may be arrested and forthwith brought before a Justice of the Peace, or, in case it be the Sabbath or night season, when such Justice cannot be found, such persons may be confined in the watch-house till such Justice be found, and such persons may be punished by fine not exceeding seven dollars, or by imprisonment not exceeding thirty days, or by fine and imprisonment both, at the discretion of the Justice before whom brought.

Penalty.

FIRE LIMITS, ETC.*

SEC. 54. Every building to be erected within the limits hereinafter described, having in it a chimney, fireplace, stove,

* See Act of 1864, empowering the City to establish Fire Limits, and regulate the erection of Buildings.

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Outer walls of buildings to be of fire-proof materials.

furnace, register or heating apparatus, shall in its outer walls be composed of fire-proof materials; and all additions to be made to houses or other buildings already erected, or hereafter to be erected within the same limits, shall in their outer walls be composed of fire-proof materials, if in such additions, or in the buildings to which such additions shall be made, there shall be placed a chimney, fireplace, stove, furnace, register, or heating apparatus.

SEC. 55.*

No chimney, fire place or heating apparatus, shall be built, unless the outer walls are fire-proof.

SEC. 56. No chimney shall be built or placed in any meeting house, dwelling house, or other building already erected or hereafter to be erected within the said limits, unless the outer walls of such meeting house, dwelling house or other building be entirely composed of fire-proof materials; and no chimney, fireplace, stove, furnace, register or heating apparatus shall be built, made or placed in any addition to be made to any meeting house, dwelling house or other building within said limits, unless the outer walls of such addition be entirely composed of fire-proof materials.

Outer walls to be of fire-proof materials, when.

SEC. 57. In case any wooden building, already erected, or hereafter to be erected, shall be removed to any place within the said limits, no chimney, fireplace, stove, furnace, register, or heating apparatus, shall be erected, maintained or set up in any such building or in any such addition thereto; and no building of which the outer walls are not entirely composed of fire-proof materials, shall, within said limits, be used as a barn or stable, or a place of deposit for hay, straw, stalks or husks, unless such building is now so used within said limits, and shall be, at the time of such use, in its present location; and no building at all, containing a chimney, fireplace, stove, furnace, register or heating apparatus, shall be so used within said limits.

Penalty.

SEC. 58. Every person who shall violate or infringe, or aid in violating or infringing, any of the provisions or requirements contained in Sections 54, 55, 56 and 57, shall forfeit and pay to the Treasurer of said city, for the use of the Fire Department of said city, the sum of one hundred dollars, to be recovered by said Treasurer, in an action of trespass on the case, brought in his own name against such person; and every person who shall continue or aid in continuing any violation or infringement of any of said provisions or requirements, shall forfeit and pay to the Treasufer of said city, for the use of said Fire Department, the sum of fifty dollars for each and every month during which such violation or in-

* Repealed by Act of 1864, and a By-Law passed March 20, 1865.

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fringement shall be continued, to be recovered by said Treasurer in an action of trespass on the case, brought in his own name against such person.

Assessment of buildings erected or added to, contrary to this Act.

SEC. 59. All dwelling houses erected, or added to contrary to the provisions of this act, shall be annually assessed fourfold in the lists of polls and rateable estate of the town and of the city of New Haven; and all other buildings erected or added to contrary to this act, shall be annually set in such lists at the sum of thirty dollars; and it shall be the duty of the listers to set the same accordingly in the lists of said town and city, and all such houses and buildings shall be ever afterwards rated accordingly in all taxes whatever, so long as such houses or buildings remain.

Listers, their duty.

Committee of three to be appointed; their duties.

SEC. 60.* The city of New Haven in legal meeting assembled, may annually appoint a committee of not less than three persons, whose duty it shall be, from time to time, to examine and inquire whether the mode of building within the limits aforesaid be conformable to the requirements of Sections 54, 55, 56 and 57, of this act, and to report to the City Attorney all breaches of the provisions of said sections, that the same may be duly prosecuted.

SEC. 61. [Repealed 1862.]

REMOVAL OF BUILDINGS.

License from Common Council necessary to remove buildings.

SEC. 62.† No building shall be removed through any of the public streets or highways within the limits of the city of New Haven, except by and with the license of the Court of Common Council of said city, under such regulations and conditions, and within such time, and with such securities for damages and penalties, as said Court of Common Council shall prescribe.

Penalty.

SEC. 63. Every person who shall remove, or who shall assist in removing any building, upon or through any street or highway within the limits of said city, contrary to the provisions of this act, or to the regulations and conditions of the license of the Court of Common Council, shall forfeit and pay a fine not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding sixty days; and in addition to the above penalty, shall forfeit and pay a fine not exceeding twenty dollars, or be imprisoned in the county jail not exceeding thirty days, for each and every day said building shall be and remain upon any street or highway within said city.

* See Acts of 1862 and 1864. † See Act of 1864.

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SINKING FUND.

Sinking Fund.

SEC. 64. The present Sinking Fund of said city, together with all future appropriations thereto and accumulations thereof, shall be applied towards the payment of that debt of said city, which existed on the 22d day of June, 1850, and not otherwise.

NOTICES OF ORDERS.

Notice of orders under Sections 38, 39, 40, 43, 44.

SEC. 65.* Whenever the Court of Common Council shall make any of the orders specified in Sections 38, 39, 40, 43, 44, notice of such order shall be given to the occupant, proprietor or corporation upon whom such order shall be made. Whenever two or more persons shall be interested jointly as such occupants, or shall, as such proprietors, be interested as joint tenants, as tenants in common, or as parties having different interests, in the same premises in reference to which any such order shall be made, then such notice to one of such occupants or proprietors, shall be deemed notice to all. A notice stating the substance of any such order, and signed by the Clerk of said city, directed to the person, persons or corporation to whom the notice is to be given, and deposited, postage paid, in the post office in said city, within three days after the passage of any such order, shall be sufficient notice of such order, and shall be held to have been duly given, in full compliance with this section.

CITY COURT.

City Court, when to be holden.

Jurisdiction of City Court.

SEC. 66. There shall be holden in said city, on the first Tuesday of every month, a City Court. Said Court shall have power to adjourn from time to time, and shall have cognizance of all cases at law,† wherein the title to land is not concerned, and wherein the matter in demand shall not be less than fifty dollars, nor more than five hundred dollars—provided the cause of action arise within the limits of said city, and one or both the parties live within the same; and of any suit or action that may be commenced by the president, directors and company of any Bank in said city, on any writing obligatory, made payable by the terms of it at and indorsed to, such Bank, notwithstanding such writing may have been executed, drawn, accepted or endorsed, without the limits of such city; and shall have the criminal jurisdiction‡ hereinbefore given to it. And said City Court shall have the

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* See Amendment of 1859. † All cases at Law and in Equity, &c.—See Amendment of 1861, Sec. 1,

‡ See Act of 1864, conferring criminal jurisdiction on Recorder and Judges.

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same power and authority, and shall proceed in the same manner, and grant executions, as Superior Courts now or hereafter shall have power to proceed and grant; and the executions granted by the City Court shall be served and returned in the same manner as executions granted by Superior Courts. Mode of proceeding.

SEC. 67.* Whenever final judgment or decree is rendered in said City Court, in any cause in which a party may be entitled to a writ of error to the Superior Court, such party may, in the same term, and within twenty-four hours after final judgment or decree, file a motion that the record in such cause may be transmitted to the next Superior Court in New Haven County, and thereupon said City Court shall have the same powers, with reference to such motion, as are given to the Superior Court in the 166th Section of an Act for the regulation of civil actions, upon similar motions in the Superior Court for the transmission of records to the Supreme Court of Errors; and upon the allowance of such motion, a copy of the record shall be entered on file in the next Superior Court for said county, which shall proceed therein, as on a writ of error, and said City Court may, upon allowing said motion, stay execution whenever it shall think proper so to do. Appeals from City Court.

SEC. 68.† There shall be a Recorder for said city, who shall be the Chief Judge of said City Court, and shall perform all the duties of a judge of said Court. Said Recorder shall be annually chosen by the Court of Common Council at a meeting specially held for that purpose after the annual city meeting, and he shall hold his office until another shall be chosen and sworn. He shall take the oath provided by law to be administered to other judicial officers, and shall receive such compensation as shall be established by by-law of said city. In case said office of Recorder shall at any time become vacant, by death or otherwise, said Court of Common Council shall supply such vacancy at a meeting specially warned for that purpose, and the person chosen to supply such vacancy shall hold said office until the next succeeding annual meeting, and until another be chosen and sworn. Recorder to be elected. Tenure of office. Oath of Recorder Compensation of Vacancy to be filled.

SEC. 69.‡ From the six Aldermen chosen at any annual election, the Court of Common Council shall elect two as Assistant Judges of said City Court, within one week after said election. Two Assistant Judges to be chosen from the Aldermen.

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* Appeal allowed in all cases in the same manner and upon the same terms as from Justices.—See Amendment of 1861, Sec. 2.

† See Act of 1864, conferring criminal jurisdiction.

‡ Their time of taking the oath and their compensation.—See Amendment of 1861, Sec. 3.

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City Court to be held by whom.

SEC. 70. The Recorder and the two Assistant Judges aforesaid, shall compose said City Court, and any two of them in the absence of the other, taking to their assistance the senior Alderman present, that is not a judge of said court, or if neither of the Aldermen that are not judges of said court can attend, one of the Justices of the Peace for the County of New Haven, and resident within such city, shall have power to hold a City Court. If at any City Court there shall be but one judge present, he shall take to his assistance two other Aldermen of the city; and in case one or both of them cannot attend, he shall take one or two of the Justices of the Peace, as the case may require, of said county, resident in said city; and they shall have the same power to hold a City Court as the judges of the City Court have. In case of the absence of the Recorder and the two Aldermen, constituted by law judges of the City Court of said city, or their disqualification to sit as judges, the other Aldermen of said city, taking to their assistance any Justice of the Peace, residing in said county; or either of the Aldermen of said city, in case of the absence or disqualification of the Recorder or other Aldermen, taking to his assistance any two Justices of the Peace of said county, shall have power to hold a City Court, within and for said city. When a suit shall be pending before any City Court, wherein the defendant or defendants do not appear, or which pursuant to law must be continued, in any or either case, any ~~one~~ competent judge of such court shall have power, and the same is hereby granted him, to render a judgment on default, or to continue the action, as the case may require.

Defendant not appearing, any one Judge to render judgment.

Special Courts, how called.

SEC. 71. The Recorder of said city, or in his absence the senior Assistant Judge of said City Court, may, at the special instance and cost of any person moving therefor, hold a special City Court, at such time and place, within said city, as the Recorder or Judge ordering the same shall appoint; which court shall proceed in the same manner, have the same power and authority, and, in all respects, be under the same regulations as the stated City Courts of the city; and all the taxable fees of City Courts shall be the same as taxable fees of the Superior Courts. And the City Court shall have power to appoint, from time to time, an Attorney for said city, who shall be sworn to a faithful discharge of his office; and such Attorney shall have power to sue and prosecute for all penalties for the breach of the by-laws of said city, in behalf of the city, by proper action before the City Court.

Taxable fees.

City Attorney.

SEC. 72. Said City Court shall have power to appoint

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and swear a Clerk for said court, to continue in office during pleasure, who shall, as to matters relative to his office as Clerk of said Court, have the same power and authority as Clerks of Superior Courts have by law; and the oath to be taken by the Clerk shall be the same, *mutatis mutandis*, as the oath provided by law to be taken by the Clerks of the Superior Court. Clerk of City Court to be appointed. Oath of Office.

SEC. 73. The processes, in all actions brought to said City Court, shall be the same as processes to the Superior Courts; which process shall be signed by the Governor, Lieutenant Governor, or Justice of the Peace, or by the Mayor, Recorder, or one of the Aldermen of the city, or Clerk of the City Court, or by a Commissioner of the Superior Court, and shall be served by a Sheriff, Deputy Sheriff or Constable, to whom directed, according to law and the provisions of this Act. And all bonds of prosecutions taken by any of the officers hereby empowered to sign writs, shall be good and effectual; and bonds for prosecution, special bail, and bonds for appeal shall be taken to the adverse party. *Provided*, that no writs, (executions excepted,) or processes, signed by the Mayor, or either of the Aldermen, shall be of any effect without the limits of said city. Processes in City Court. How signed. Bonds of prosecution. Proviso.

SEC. 74. When the defendant, who is sued to any City Court, in any civil action, lives within the limits of the city, the writ shall be served upon him at least six days before the sitting of the court to which the writ is returnable; but if the defendant lives without the limits of the city, the writ shall be served at least twelve days before the sitting of the Court; and all writs returnable to the City Court, shall be returned to the Clerk thereof, on or before the day of the sitting of the court, and before the first opening of such court. Time of service before the sitting of the Court. Return of writs.

SEC. 75.* The Court of Common Council of said city, shall annually meet for the election of jurors on the first Monday in July, and then choose one hundred and forty-four freemen of said city, to serve as jurors at the City Court. And they shall return the names of the jurors, chosen as aforesaid, under the hand of the Mayor of the city, if present, or in case of his absence, under the hand of the senior Alderman present at such meeting, to the Clerk of the City Court, who shall write each juror's name thus chosen, fairly on a separate piece of paper, and roll up and put the same into a box, which he shall provide and keep for that purpose; and whenever either Sheriff of said city shall receive a warrant from the Jurors, how chosen.

* Compensation of Jurors.—See Amendment of 1861, Sec. 4.

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Clerk of the City Court, to summon the jury to appear before said Court, the Sheriff receiving such warrant, taking with him one of the Aldermen of the city, shall repair to the Clerk's office, and there, in the presence of such Alderman and Clerk, shall take out of said box as many papers as his warrant directs; and the persons whose names shall be found written therein, shall be summoned to appear before the Court, to which the warrant is returnable, to serve as jurors, and in case of neglecting to attend, shall be liable to such penalties as shall be, by the by-laws of the city, inflicted for such neglect; and in case a complete panel shall not attend, or in case any shall be challenged or excused, the Sheriff attending the Court shall supply the deficiency by drawing, in the presence of the Court, others out of said box, and summoning them to attend and serve, until the panel shall be complete: and the names of such jurors as do not attend, or are excused, shall be returned into the box, and shall be liable to be drawn again. And the oath to be taken by the jurors shall be the same as is by law provided to be taken by jurors in civil actions. And the name of each juror that attends any City Court and serves, shall be again written on a separate piece of paper, and shall be rolled up and put into another box, which the Clerk of the Court shall provide for that purpose, and shall be liable to be drawn again, in case there shall not, by reason of death, removal or other cause, be a sufficiency in the other box, to complete the panels for that year in which they are chosen to serve. *Provided*, that the Judges of said City Court shall have power to try and decide all issues in fact that shall have come before them, by themselves or by a jury of six freemen, where both parties shall agree to it.

Oath of Jurors.

City Court may try issues in fact.

INSPECTORS.

Inspectors.

SEC. 76. Said city shall have power to appoint Inspectors of every kind of produce, of the United States, brought to such city for sale or exportation.

Senior, seniority of age.

SEC. 77. The word "senior," as used in this Act, shall be deemed to indicate seniority of age only.

CONVEYANCES OF LAND.

Conveyance of lands.

SEC. 78. All grants and leases of any real estate belonging to said city, signed by the Mayor, and sealed with the city seal, and approved by the city in a legal meeting, and recorded in the town where the lands granted or leased lie, shall be effectual to convey such estate.

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SALARIES, ETC.

SEC. 79. Said city, in legal meeting assembled, shall have power to fix and prescribe the salaries of the Mayor and City Clerk. City Meeting to fix salaries of Mayor and City Clerk.

SEC. 80. Said city, in legal meeting assembled, shall have power to lay taxes on the polls and rateable estates within the limits of the city, for such purposes as the city shall think proper, agreeably to the privileges granted by this Act. City Meeting to lay taxes.

SEC. 81. All Acts, and parts of Acts, public and private, relating especially to the City of New Haven, except such as are embodied in the compilation of 1854, except such Acts and parts of Acts as relate to the constitution and powers of the City Court of said city, and are not inconsistent with the provisions of this Act; and except all Acts relating to said city passed at the present session of the Legislature, are hereby, so far as they relate especially to said city, repealed. Nothing in this Act contained, shall operate to repeal any by-law or ordinance of said city now in force; but every such by-law and every such ordinance shall continue in force until it shall be repealed in the manner prescribed by this Act. Repeal of former Acts. Exceptions.

SEC. 82. If this Act, or any of the provisions contained in it, shall be found inconvenient, or in any respect inadequate, the same may be altered or revoked, on representation of said city, by the General Assembly. And this Act shall be a public Act. This Act may be repealed, how.

From a Public Act entitled "An Act relating to Electors and Elections in the Towns of Hartford, New Haven and Middletown." Approved June 23, 1860.

SEC. 15. "It shall be the duty of the Registrars to be at the ballot boxes in their respective voting districts, in each of the elections for State officers, presidential electors, town officers in each of said towns, *and for City Officers in said City of New Haven*, held during the year for which they were elected; to hear and decide any questions pertaining to them which may arise touching the right of any person to vote, who may offer to vote at either of said elections; and on each of said elections, each of said Registrars shall employ his Assistant Registrar, or some other suitable person or persons, to keep a list of the names and residences of Duty of Registrars of Voters on day of election. Assistant Registrars to keep list of voters.

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To check names of voters.

all persons voting at their respective voting places, and also to check the names of all such persons on the registry lists, which said registry list, so checked, shall have the number of names checked thereon certified to by the Registrars of the respective districts, and, together with said record of names, shall, immediately after the closing of the polls, be deposited in the office of the Town Clerk, by whom they shall be safely kept, and be open for the inspection of any elector; and if any person whose name is not on the registry list shall vote, or attempt to vote, at either of the elections named in this Act, on the name of any other person whose name is on said list, he shall pay a fine of one hundred dollars, and be imprisoned one year in the county jail.

Check lists to be deposited with Town Clerk.

Penalty for voting or attempting to vote on the name of another person.

Penalty for altering the registry list.

SEC. 16. If any person, other than the Registrars, shall make any alterations, by additions, erasures, or otherwise, in the lists prepared by said Registrars, or if the presiding officer of any town meeting in either of said towns, *or of any city meeting in said City of New Haven*, or any other person having charge of any ballot box in any voting district, at any election in either of said towns, *or in any ward of said City of New Haven*, shall allow any person to deposit his vote therein, whose name is not on the registry list, or shall refuse to allow any person to vote whose name is on said list, without the assent of both the Registrars of said voting district, he shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by such fine and imprisonment both; and it shall be the duty of either of the Grand Jurors of either of said towns, and also the right of the person aggrieved, or of either of the Registrars of said towns, to forthwith prosecute any violation of this section.

For allowing unregistered persons to vote,—or for excluding a registered voter.

Who may prosecute.

* * * * * * *

Repealing clause.

SEC. 25. All Acts and parts of Acts, and the Charter of any portion of the City of New Haven, inconsistent herewith, are hereby repealed."

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AMENDMENTS

TO THE

CITY CHARTER.

GENERAL ASSEMBLY, May Session, A. D. 1859.

An Act in addition to and in alteration of an Act, entitled "An Act relative to the Charter of the City of New Haven."

Resolved by this Assembly:

SEC. 1. That whenever the Court of Common Council of the City of New Haven shall make any of the orders specified in sections thirty-eight, thirty-nine, forty, forty-three and forty-four of the Charter of said City of New Haven, such order, signed by the Clerk or the Mayor of said City, and published in full every other day for two weeks in two or more of the daily newspapers printed in said city, shall be deemed to be sufficient notice of such order to all persons or corporations interested in or to be affected thereby, and shall be held to have been duly and legally given. In alteration of Sec. 65. Notices.

SEC. 2. That so much of section sixty-five of the Charter of said city as is inconsistent herewith, be and the same is hereby repealed.

SEC. 3. That this Act shall not take effect until it shall have been accepted by the citizens of said city, in a city meeting duly and legally called and held for that purpose.

[Approved and accepted in City Meeting duly warned and held June 7th, 1859.]

GENERAL ASSEMBLY, May Session, A. D. 1860.

Resolution to amend the Charter of the City of New Haven, pursuant to the application of said City.

Resolved by this Assembly:

SEC. 1. That the Mayor, Aldermen, Common Council, and Freemen of the City of New Haven, be and they are hereby authorized and empowered to issue bonds, notes or City Hall Fund.

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other certificates of debt, under the corporate name and seal of said city, bearing interest at no greater rate than six per cent. per annum, to any amount not exceeding in the whole the sum of sixty thousand dollars, the principal of said notes, bonds or other certificates of debt to be payable at some certain time or times within twenty years from the issuing of the same, and the funds raised on said bonds, notes or other certificates of debt shall be called the "City Hall Fund of the City of New Haven," and the avails thereof shall be wholly applied and expended to and for the sole purpose of purchasing the ground and erecting thereon a building, in conjunction with the town of New Haven, on the lot of land situated on Church street in said city, known as the "County House Lot," to be used for city and town purposes. And the said bonds, notes or other certificates of debt, when issued and delivered by said city, or by its agent or agents duly appointed thereunto by the Common Council of said city, shall be obligatory upon said city and the inhabitants thereof, according to the tenor and purport of the same. And the Common Council of said city may, in a meeting legally warned and held for that purpose, prescribe the amount for which said bonds, notes or other certificates of debt shall be severally issued, the form thereof, the rate of interest to be paid thereon, the times of paying said interest, and the times of paying the principle thereof.

Bonds &c., payable within twenty years.

SEC. 2. This resolution shall be in addition to and form part of the Charter of said City of New Haven.

Approved, June 20th, 1860.

GENERAL ASSEMBLY, May Session, A. D. 1860.

Resolution amending the Charter of the City of New Haven.

Resolved by this Assembly:

SEC. 1. That the Court of Common Council of the City of New Haven, may from time to time order the numbering or renumbering of any or all of the buildings and building lots, in either or all of the public streets, highways and lanes within the limits of said city, and make such orders, rules and regulations regarding the same as shall seem necessary or advisable, at the discretion of said Court of Common Council; and to enforce the same, they may pass such by-laws with such penalties, not exceeding one hundred dollars, for the breach of or neglect to comply with the same, as in their discretion they may see fit to make.

Numbering streets.

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SEC. 2. This resolution shall go into effect whenever it shall be accepted by said city as a part of the Charter thereof, at the annual city meeting, or at a special meeting, legally warned and holden for that purpose.

Approved, June 12th, 1860.

[Accepted in City Meeting duly warned and holden for that purpose, on the 29th day of September, A. D. 1860.]

GENERAL ASSEMBLY, May Session, A. D. 1861.

An Act in alteration of an Act, entitled "An Act relating to the Charter of the City of New Haven."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

City Court—its jurisdiction.

SEC. 1. The City Court of the City of New Haven shall have cognizance of all cases at law and in equity, wherein the matter in demand is not less than fifty, nor more than five hundred dollars: *provided*, the cause of action arose within the city limits, and one or both the parties live within the same.

Appeal in all cases in the same manner and on the same terms as from Justices.

SEC. 2. An appeal may be taken in all cases from any decision, judgment or decree of said Court, to the Superior Court next to be held in and for the county of New Haven, in the same manner and upon the same terms as are now provided in cases of appeal from the decisions of a Justice of the Peace.

Assistant Judges —their oath and compensation.

SEC. 3. The Assistant Judges of said City Court shall, within one week after their election, take the oath provided by law to be administered to other judicial officers, and shall receive such compensation for their services as shall be established by said city.

Compensation of Jurors.

SEC. 4. The Jurors summoned to attend any City Court in said city, shall receive the same compensation for their services as is now by law allowed to Jurors in the Superior Courts of this State.

Cleaning snow, &c., from side walks.

SEC. 5. The Court of Common Council in said City of New Haven shall have the same power to make orders upon the proprietors and occupants of lands or buildings fronting on any streets or highways in said city, for the removal of snow, ice and sleet, from the sidewalks on such streets or highways, as it now has, by virtue of the thirty-ninth section of the Act of which this is an alteration, to make orders upon such parties for making, raising, leveling, paving or flagging sidewalks and gutters in front of said lands and buildings, and all the provisions of said thirty-ninth section, ***mutatis mutandis***, shall be applicable to this section: *pro-*

Sec. 39 applicable.

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Lien good if certificate lodged within six months.

vided, however, that the lien created by said thirty-ninth section shall be a good and valid lien, if the certificate required by said section shall be lodged at any time within six months from the time of the performance of the work for which said lien is claimed: *and provided further*, that said certificate may specify and embrace any number of claims for work performed in the removal of snow, ice and sleet, at different times, within said period of six months, and that if said certificate shall specify and embrace claims for work performed at different times within said period, said lien shall be a good and valid lien for the whole amount so specified and embraced in said certificate.

Certificate may embrace any number of claims within that time.

Approved, June 12th, 1861.

A BILL TO ORGANIZE A POLICE FORCE FOR THE CITY OF NEW HAVEN.*

GENERAL ASSEMBLY, May Session, A. D. 1861.

Resolved by this Assembly:

Police Department established.

SEC. 1. That there shall be, and hereby is, established a police force for the City of New Haven, which shall be known as, and called, the Police Department of the City of New Haven.

First election.

SEC. 2. That at the first meeting of the Court of Common Council held in the City of New Haven, after this Act shall take effect, said Court of Common Council shall choose, by ballot, six citizens of said city, to be and constitute the Board of Police Commissioners of the City of New Haven: that in choosing said Commissioners, each member of said Court of Common Council shall vote for three persons, and no more, which three persons shall all be voted for on one piece of paper, and shall be marked or designated thereon, "first," "second," and "third;" that the two persons voted for marked "first," who shall receive the highest number of votes, shall be declared elected for the period of one year from the second Monday in June, A. D. 1861, and until others are chosen in their places; that the two marked "second," who shall receive the highest number of votes, shall be declared elected for the period of two years from said second Monday in June, A. D. 1861, and until others are chosen in their places; that the two marked "third," who shall receive the highest number of votes, shall be declared elected for the period of three years from said second Monday in June, A. D. 1861, and until others are chosen in their places. And that hereafter, at the second meeting of

Six citizens to constitute the Board.

Each member of Common Council to vote for three.

Respective terms of office.

Subsequent elections.

* Amended by Act of 1864.

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said Court of Common Council held in each year after the annual city election in said City of New Haven, said Court of Common Council shall choose, by ballot, two citizens of said city, members of said Board of Police Commissioners, for the period of three years from the second Monday in June of the year in which they are chosen, and until others are chosen in their places; but no member of said Court of Common Council shall, at any election of Police Commissioners, after the present municipal year, vote for more than one person; and the two having the highest number of votes shall be declared to be elected. And said Court of Common Council shall have full power to fill all vacancies that may occur in said board, in the same manner herein indicated for the election of the members of said Board, whenever the same may occur.

Common Council to fill vacancies.

SEC. 3. That the Mayor of the City of New Haven shall be, *ex officio*, Chairman of said Board of Police Commissioners, and General Superintendent of the Police Department of said city, but shall have no vote in the appointment of any member of the Police Department; and no person shall be appointed to any office or place in said Department, except he receives at least four votes.

Mayor *ex officio* chairman and general superintendent.

Shall have no vote in appointments.

Appointees must receive at least four votes.

SEC. 4. That all the members of said Police Department shall be appointed by said Board of Police Commissioners, and shall hold their office or appointment for the period of three years from the second Monday in June of the year in which they are appointed, and until others are appointed in their places, unless sooner removed for cause: *provided*, the members of the Police Department first appointed under this Act, shall hold office from the date of their appointment.

Members of Department, how chosen.

Terms of office

SEC. 5. That said Police Department shall consist of one Chief of Police, one Captain, one Lieutenant, any number of ordinary Policemen, at the discretion of the Board of Commissioners, not exceeding twenty, and fifteen supernumerary Policemen, who may be called into service by the Chief, whenever, in the opinion of himself or the Mayor of the City of New Haven, their services may be needed.

Department to consist of.

SEC. 6. That the Mayor or said Board of Commissioners shall have full power, and it is hereby made their duty, to hear and decide upon all complaints made against any member of said Department, and to give the party or parties complained against reasonable opportunity to be heard in reference to the subject matter of said complaints; to prescribe and define the duties of the various members of said Department; to fix the amount of the salary or wages to be paid to each member of said Department; to make all need-

Board to hear and decide upon complaints.

To give a hearing to party complained of.

To prescribe duties of members of Department.

To fix wages.

To make rules.

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ful rules and regulations for the conduct, government and control of said Department, and for the discharge of persons arrested without process, but shall receive no compensation for their services.

No compensation.

Board may suspend without hearing.

SEC. 7. That said Board of Commissioners shall have power to suspend from duty any member of said Department, for a period not exceeding four days, without a hearing.

Criminal processes, &c., may be directed to any member of Department.

SEC. 8. That criminal processes, and warrants for summoning Coroners' Juries, to be served within the limits of the City of New Haven, may be directed to any member of the Police Department of said city; and in all cases when any person arrested by any member of said Police Department shall be found guilty, and sentenced, or ordered to be committed to the county jail or workhouse located in said City of New Haven, the mittimus for said commitment shall be directed to, and executed by, some member of said Police Department; but no fees, except a witness fee, shall be taxed in favor of any member of said Police Department, to be paid out of the city or town treasury.

Mittimus to be directed to a member of Department.

Fees taxed.

Annual City meeting.

SEC. 9. That the annual city meeting in said City of New Haven, shall hereafter be held on the first Monday in April of each year. *Provided*, that the persons elected at any such meeting, shall not go into office until the first Tuesday in June next following their election, to which day said meeting shall be adjourned, in accordance with the provisions of, and for the purposes specified in, the tenth section of the Charter of said City of New Haven.

Persons elected go into office, when.

Adjournment of said meeting.

SEC. 10. That all Acts and parts of Acts inconsistent herewith, are hereby repealed.

Approved, June 27th, 1861.

CITY HIGHWAY DISTRICT.

GENERAL ASSEMBLY, May Session, 1862.

Resolved by this Assembly:

The City constituted a Highway District.

SEC. 1. That the City of New Haven be, and the same is hereby constituted a highway district by itself.

SEC. 2.* That all expenses of laying out, making, maintaining, altering or discontinuing highways and streets within the limits of said city, shall hereafter be assessed upon and paid by the inhabitants and property of said city, in the same manner as other city taxes are now assessed and paid: *provided, however*, that no portion of the expense of laying

Expenses of highway, how paid.

* See Act of 1864, concerning streets, &c.

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out, making, altering, maintaining, or discontinuing highways and streets, within the town of New Haven and outside the limits of said city, shall be assessed upon the inhabitants and property within said city: *and provided further*, that all acts of said town, and of its selectmen, previous to the passage of this act, in discontinuing highways, or exchanging and conveying the same, by deeds or otherwise, within the limits of said city, shall be, and are hereby declared to be legal and valid: *and provided further*, that said town shall pay over to said city such portion, not already appropriated, of the town tax due July 1st, 1862, as has been estimated and assessed by said town for the support and benefit of highways and streets, within the limits of said city, for the current year.

City not to pay for work on road beyond its limits

Acts of Town confirmed.

Town to pay City its proportion of funds for support of highway.

SEC. 3. That the Court of Common Council of said city shall hereafter have sole and exclusive authority and control over all streets and highways, and over all parts of streets and highways, now or hereafter existing within the limits of said city, and shall have sole and exclusive power to lay out, make, or order new highways and streets within the limits of said city, and to alter, repair, and discontinue all highways and streets now and hereafter existing within the limits of said city. And no person shall open, within the limits of said city, any public or private way, except under and by virtue of an order of said Court of Common Council.

Common Council to control the opening and working of highways

SEC. 4. That whenever any sewer or other public work or improvement shall have been laid out, constructed or altered by order of said Court of Common Council, said Court may assess a proportional sum of the expense of laying out, constructing or altering the same, upon any person whose property is especially benefitted thereby, and may estimate the just proportion of such expense which such person shall pay: *provided, however*, that the sum or sums so assessed shall not become due and payable until said assessment shall have been published two weeks, in two or more daily newspapers published in said city: *and provided further*, that if any person shall be aggrieved by such assessment, he may apply for relief to the Superior Court, held within and for the county of New Haven, next after said publication shall have been made, in manner and form as is provided in the thirty-sixth section of the charter of said city. And said Superior Court may, if judged expedient, set aside said assessment, and order a re-assessment, as provided in said thirty-sixth section of said charter.

Sewers and other public works,—cost to be assessed on property benefited.

Appeal from assessment.

SEC. 5. That all assessments made under and in pursuance of the foregoing section of this resolution, shall be

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Assessment a lien

and remain a lien upon the property especially benefitted by any such public work or improvement, until the same are paid; which said lien may be enforced in the same manner as is provided in the thirty-ninth section of the charter of said city, in reference to liens for making sidewalks: *provided, however*, that such lien shall not continue for a period longer than sixty days after the publication required by the next preceding section of this resolution, unless, before the expiration of that period of time, a certificate, signed by the Street Commissioner or by the Mayor of said city, (describing the premises on which the lien exists, and the amount claimed by said city, as a lien thereon,) shall be lodged with the Town Clerk of the town of New Haven: *and provided further*, that such lien shall cease to exist whenever a certificate that it has ceased to exist, signed by the Mayor or Street Commissioner for the time being, shall be lodged with said Town Clerk. All such certificates said Town Clerk shall record with deeds of land.

Certificate of lien to be recorded in sixty days.

Lien, how to cease.

Approved June 27th, 1862.

FIRE DEPARTMENT.

GENERAL ASSEMBLY, May Session, 1862.

Resolved by this Assembly:

SEC. 1. That at the first meeting of the Court of Common Council held in the city of New Haven after this act shall take effect, said Court of Common Council shall choose, by ballot, six citizens of said city, to be and constitute a Board of Fire Commissioners of the city of New Haven: that in choosing said Commissioners, each member of said Common Council may vote for three persons, and no more, which three persons shall be voted for on one piece of paper, and shall be marked or described thereon as "first," "second," and "third:" that the two persons of those voted for, marked or described as "first," who shall receive the largest number of votes, shall be members of the said Board of Fire Commissioners for the period of one year from the first Monday in June, A. D. 1862, and until others are elected in their places: that the two of those voted for, marked or described as "second," who shall receive the largest number of votes, shall be members of the said Board of Fire Commissioners, for the period of two years from the first Monday in June, A. D. 1862, and until others are elected in their places; that the two of those voted for, marked or described as "third," who shall receive the largest number of

Board of Fire Commissioners; how chosen.

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votes, shall be members of the Board of Fire Commissioners for the period of three years from the first Monday in June, A. D. 1862, and until others are elected in their places. And hereafter, the said Court of Common Council shall, in the month of May, in each year after the year 1862, choose by ballot, in the manner above described, two citizens of the said city of New Haven, to be members of the said Board of Fire Commissioners for the period of three years from the first Monday in June of the year in which they are chosen, and until others are elected in their stead. But, no member of said Court of Common Council shall, at any election of Fire Commissioners, after the first election provided for in this Act, vote for more than one person; and the two persons having the highest number of votes, shall be elected. And the said Court of Common Council shall, at the same meetings at which it elects members of the Board of Fire Commissioners, elect, in the same manner, an equal number of substitutes, who shall act as members of the Board of Fire Commissioners, in the absence, disability, or resignation of the member or members of the Board, elected for the same term of years for which they are elected. And said Board shall designate the substitute for each individual Commissioner, and cause a record to be made of the same. And said Court of Common Council shall have power to fill all vacancies in or among the members of the Board of Fire Commissioners, or their substitutes.

Mayor to be a member.

The Mayor of the city, for the time being, shall be, ex-officio, a member of the Board of Fire Commissioners, but shall have no vote in the appointment of members of the Fire Department. The members of the Board shall receive no pay for their services.

Powers of Board

SEC. 2. The said Board of Fire Commissioners shall make all needful rules and regulations for the government of the Fire Department of the city of New Haven, not inconsistent with the laws of the State, or the charter and by-laws of said city; and shall have entire control of the property of the city used for the Fire Department. The Board shall submit to the Common Council, on or before the tenth of May in each year, estimates of the amount of money required for the ensuing municipal year, specifying the purposes for which each and every part is required. And it shall not at any time allow the expenses of the Fire Department to exceed the estimates thus made. It shall have the control of, and be responsible for, all the expenses incurred in or for the Fire Department; and if in any year it shall become necessary for the said Board to exceed the

Estimates of expenses.

Responsible for expenses and deficiencies.

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estimated expenses, the Board shall communicate to the Common Council the reasons why the estimates have proved insufficient, and present additional estimates for the approval of the Common Council.

Auditing acc'ts. The Board shall each month audit, certify, and pass over to the Finance Committee of the Common Council, all bills created in and for the Fire Department.

Appointing and discharging members of Department. The Board shall have the exclusive power of appointing and discharging all members of the Fire Department.

SEC. 3. The said Board of Fire Commissioners shall appoint a Chief Engineer, and two or more Assistant Engineers, whose respective terms of office, powers, duties, and compensation, shall be such as the by-laws of said city, which have been heretofore or may be hereafter enacted, shall prescribe.

Engineers, and their compensation.

SEC. 4. The Court of Common Council of the city of New Haven may, from time to time, regulate and limit the number and kinds of engines and other apparatus to be used by said Fire Department in extinguishing fires, and the number of officers and men to be employed in said Fire Department, and their compensation.

Common Council to regulate apparatus of Department: the number of men and their pay.

SEC. 5. So much of the sixty-first Section of the Act to which this Act is in addition and alteration, as is inconsistent herewith, is hereby repealed.

Repealing clause.

SEC. 6. This Act shall take effect on the twelfth day of June, A. D. 1862.

Approved June 13th, 1862.

STREETS, HIGHWAYS, AND PUBLIC PARKS.

GENERAL ASSEMBLY, May Session, 1864.

Resolved by this Assembly:

SEC. 1. The Court of Common Council of the city of New Haven, is hereby authorized and empowered to choose by ballot, at such time as may be convenient, prior to the first Monday in August next, six persons, residents of said city, to be and constitute a Board of Road Commissioners of the city of New Haven. Said Court, at the time of choosing said Board, shall, by figures upon the ballots cast, or in some other way, designate two of said persons, who shall hold office from the time of their election to the first Monday in June, A. D. 1865, and until others are chosen in their places; two who shall hold office from the day of said election to the first Monday in June, A. D. 1866, and until others are chosen in their places; and two who shall hold

Road Commissioners.

How chosen.

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office from the day of said election to the first Monday in June, A. D. 1867, and until others are chosen in their places; and during the month of May in each year, after this year, said Court shall choose by ballot, two persons, residents of said city, to be members of said Board of Road Commissioners, for the period of three years from the first Monday in June, of the year in which they may be chosen, and until others are chosen in their places.

Powers of.

SEC 2. Said Board shall have the general superintendence, management and control, over all streets, side-walks, cross-walks, bridges and gutters, within the limits of said city; shall cause the same to be kept, at all times, in good condition and repair; shall prescribe the terms and manner of opening and excavating the same for putting in or taking out gas pipes, water pipes, and private sewers, and of connecting such sewers with the public sewers; shall execute all orders of said Court in reference to the streets, side-walks, cross-walks, gutters, bridges amd sewers of said city, and in reference to the laying out and construction of new ones; and shall have power to employ, in the name and behalf of said city, for such period of time (not exceeding three years,) and for such compensation as said Court of Common Council may judge proper, a Street Commissioner, Street Surveyor, and such other persons as may be necessary for the full and faithful performance of all the duties hereby imposed upon said Board, and for the exercise of all the powers herein granted to them.

Execute orders of Com. Council.

Make annual estimate of expenses.

SEC. 3. Said Board shall, in the month of May of each year, after this year, make out and present to said Court an estimate of the expenses of keeping all said streets, side-walks, cross-walks, gutters, bridges and sewers in proper condition and repair, for the year next ensuing; shall, from the time of entering on their duties, make at the close of each month, a report to said Court, of all works done and money expended in pursuance hereof during that month; and shall, before entering upon any public work or improvement other than ordinary repairs, involving expense to said city, make a report thereof to said Court of Common Council, with an estimate of the expense thereof; and no such work, other than ordinary repairs, shall be commenced until approved by vote of said Court of Common Council.

Monthly Report.

Council may lay out Parks, &c.

SEC. 4. Said Court of Common Council is hereby authorized and empowered to order public squares, parks, streets, highways, bridges or walks, to be laid out, constructed, or altered, in said city, whenever and wherever, in the opinion of said Court of Common Council, the public

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Road Commissioners may lay out Parks, &c., when so ordered.

good shall so require, and said Board of Road Commissioners shall be, and hereby is, empowered to lay out, construct, or alter, public squares, parks, streets, highways, bridges, or walks in said city, whenever ordered so to do by said Court of Common Council.

Squares, Parks, streets, highways, bridges and walks how laid out.

SEC. 5. Before laying out any such square, park, street, highway, bridge, or walk,—and before laying out any alteration of any such square, street, highway, bridge, or walk, —said Board shall cause reasonable notice to be given to all owners of land proposed to be taken for such square, park, street, highway, bridge, or walk, or for such alteration thereof, to appear before said Board, at such time and place as shall be designated in said notice, and show cause, if any they have, why such square, park, street, highway, bridge, or walk, or such alteration thereof, should not be laid out. A written or printed notice, signed by said Road Commissioners, or a majority of them, and left by any person at the usual place of abode of any owner of such land, residing in this State, at least six days before the time fixed in said notice for his appearance before said Board as aforesaid, shall be deemed reasonable and sufficient notice to such owner. Any Judge of the Superior Court, or of the Supreme Court of Errors, may, by his order of notice, direct in what manner such notice shall be given to owners of such lands residing out of this State; and notice given pursuant to such order of notice shall be deemed reasonable and sufficient notice to such owners. Said Board shall meet at the time and place specified in said notice, and may adjourn from time to time; and shall hear all parties in interest who may appear before them to object to the proposed action of said Board.

SEC. 6. Whenever said Board shall have decided to lay out any such square, park, street, highway, bridge, or walk, or any such alteration thereof, they shall make a report in writing of their doings to said Court of Common Council,

Survey.

which report shall embody a survey containing a particular description of such square, park, street, highway, bridge, walk, or alteration thereof; and whenever said report shall have been accepted by said Court of Common Council, and

Compensation.

recorded in the records of said city, and just compensation shall have been made to the persons whose property is to be taken for such public improvements, or shall have been deposited in the Treasury of said city, to be paid to them when they shall apply for the same, in the manner hereinafter prescribed, then such square, park, street, highway, bridge, or walk, or alteration thereof, and the land embraced thereby,

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shall be, and remain taken and devoted to the public use for which it shall have been so laid out.

SEC. 7. All damages which shall be done to any owner of land by the taking of such land for public use, as aforesaid, shall be assessed and determined by a Board of Compensation, to consist of three persons, residents of said city, to be appointed by said Court of Common Council, from time to time, and during its pleasure. Said Court of Common Council shall have power to estimate and determine the total probable amount of the expense of laying out, constructing, and completion of any such square, park, street, or other public improvement; and shall have power to determine how much of said estimated total amount shall be paid by persons whose property will be specially benefited by such improvement; and said Court of Common Council, (or said Board of Compensation, whenever ordered so to do by said Court of Common Council,) may assess against each particular one of said persons the sum which said particular person shall pay. Before making any such assessment of damages in favor of any person, or of benefits against any particular person, said Board of Compensation, (or said Court of Common Council, as the case may be,) shall cause reasonable notice to be given to such person to appear before said Board (or before said Court of Common Council, as the case may be,) at some time and place fixed by said notice, to be heard, if he see fit, in reference to such proposed assessment. Such notice shall be deemed reasonable and sufficient, if given to persons residing in this State, or to persons residing out of this State respectively, in the manner provided for the giving of notice by the Board of Road Commissioners, in section 5th of this Act; *provided*, however, that notices given by the Board of Compensation to persons residing in this State, shall be signed by the members of said Board, or a majority of them, and that notices given to persons residing in this State, by, or for said Court of Common Council, shall be signed by the Mayor or City Clerk. Said Board of Compensation, (or said Court of Common Council, as the case may be,) shall meet at the time and place fixed by their said notice, and shall hear the parties interested who may appear before them. Upon the completion of all their assessments, (either of damages or of damages and benefits, as the case may be,) for any such square, park, street, or other public improvement, by said Board of Compensation, said Board shall make a report of all their doings to said Court of Common Council; and when such report shall have been accepted and ordered to

Damages, how assessed.

Board of Compensation.

Benefits assessed

Notice of assessment.

Notice how signed.

Duties of Board of Compensation.

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be recorded by said Court of Common Council, each and all of said assessments shall be legally deemed to have been made and done, and not before. Upon the completion by said Court of Common Council of all their assessments for benefits in reference to any such square, park, street, or other public improvement, said Court of Common Council shall order their doings in the premises to be recorded; and upon the making of such order, each and all of said assessments by said Court of Common Council, shall be legally deemed to have been made and done, and not before.

Report to be accepted and recorded by Common Council.

SEC. 8. If such an assessment for damages shall be made in favor of any person, and no such assessment shall be made against him for benefits, the amount of said assessment for damages shall be deemed to be his just compensation, and shall be paid to him by said city. If such an assessment for damages shall be made in favor of any person, and such an assessment for benefits shall also be made against the same person, the difference between said two assessments shall be paid to him by said city, or by him to said city, as the case may be, and he shall be deemed to have received just compensation for all his damages. If such an assessment for benefits shall be made against any person, and no such assessment for damages shall be made in his favor, the amount of the assessment so made against him shall be paid by him to said city. If any person shall refuse to receive the amount so found due to him, or if, in any case, no body shall be found in this State having authority to receive the sum so found due to any particular person, such amount shall be deposited in the treasury of said city, to be paid to the person entitled to receive the same, whenever he shall apply for the same. The payment of any sum found due, by assessment as aforesaid, to said city, may be enforced by said city in the same manner in which said city is now authorized to enforce payment of assessments for sewers and other public works, by the fifth section of the act "amending the charter of the City of New Haven," approved June 26th, 1862; and all the provisions of said section are hereby made applicable to, and re-enacted as a part of this section, *mutatis mutandis*.

Benefits and damages, how apportioned.

Payment of benefits, how enforced.

SEC. 9. Any person who shall feel aggrieved by any act of said Court of Common Council, or of said Board of Road Commissioners, in reference to the laying out of any such public square, park, street, highway, bridge, or walk, or of any alteration thereof, or by any act of said Court of Common Council, or of said Board of Compensation, in making any of the assessments aforesaid, may make written appli-

Appeal.

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cation for relief to the Superior Court to be held in and for New Haven County, at its regular term next after the doing of the act by which he claims to be aggrieved ;—*Provided*, however, that he shall give notice to said city of his said application, by causing a copy of said application to be left with the clerk of said city, or at his usual place of abode, before the commencement of said term of said Superior Court, and within thirty days after the doing of the act by which he claims to be aggrieved.

Said Superior Court may, by committee or otherwise, inquire into the allegations of any such application duly made as aforesaid, and may confirm, annul, or modify the laying out, assessment, or other action therein complained of, or make such order in the premises as equity may require, and may allow costs to either or neither party at its discretion. No public square, park, street, highway, bridge or walk, or alteration thereof, laid out under the provisions of this act, shall be opened or occupied by said city, until the expiration of the time herein limited for the giving of notice to said city of such an application for relief; nor until all applications duly made as aforesaid, for relief against acts done in reference to the laying out of such public improvements, shall be finally disposed of by said Superior Court.

When public works may be opened and occupied.

Sec. 10. The action of a majority of the members of said Board of Road Commissioners, or of said Board of Compensation in office at any time, shall, in all cases, be deemed the action of the whole board, as fully as if every member thereof were present and participated in such action.

A majority of Board of Commissioners sufficient.

Sec. 11. Said Court of Common Council is hereby authorized to make all by-laws necessary or proper to carry all the provisions of this act into effect.

Sec. 12. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved, June 29th, 1864.

FIRE LIMITS.

General Assembly, May Session, A. D., 1864.

An Act empowering the Court of Common Council of the City of New Haven, to establish Fire Limits in said City.

Resolved by this Assembly :

Sec. 1. That the Court of Common Council of the City of New Haven be, and is hereby, empowered to fix, prescribe, and designate districts of said city, within which it shall not be lawful to erect, enlarge or elevate any house or

Common Council may establish fire limits.

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building of any kind, unless the outer walls of said house or building, are made of fire-proof materials; to prohibit the moving of buildings whose walls are not made of fire-proof materials, from place to place within the district so designated; to prohibit the moving of wooden buildings from without said designated district, into the same; to require all houses or other buildings erected within said designated district, to be covered with tin, or other fire-proof materials; to determine the distance by which houses and other buildings, to be erected within said district, shall be separated from each other; to prohibit or regulate the storing of inflammable and combustible materials within said district; and to make all such By-Laws as may be deemed necessary to carry the provisions of this Act into effect.

Moving of wooden buildings.

Fire proof roofs.

Distances between buildings.

Storing dangerous materials.

SEC. 2. That the provisions of the fifty-ninth Section of the charter of said city shall be applicable to, and enforced against, any house or other building erected, enlarged, added to, elevated, or covered, in violation of any of the By-Laws which may be lawfully made in pursuance of the provisions of the foregoing Sections of this Act.

Penalty.

SEC. 3. All Acts and parts of Acts inconsistent herewith, are hereby repealed.

Repealing clause.

Approved, June 29th, 1864.

WOOD AND COAL.

GENERAL ASSEMBLY, May Session, A. D., 1864.

An Act authorizing the Court of Common Council of the City of New Haven to appoint Weighers and Measurers of Wood and Coal, for said City.

Resolved by this Assembly:

That the Court of Common Council of the City of New Haven, is hereby authorized to appoint, from time to time, and during its pleasure, such number of persons, residing in said city, as may be deemed proper, to be Weighers and Measurers of all kinds of coal, (including anthracite, bituminous, and charcoal,) and of all kinds of wood, to be used and sold in said city, as and for fuel; to appoint, from time to time, and during its pleasure, such number of persons, residing in said New Haven, as may be deemed proper, to be Sealers of Weights and Measures; to prescribe the fees and define the duties of said Weighers, Measurers and Sealers; and to make all such By-Laws as may be necessary to carry the provisions of this Act into effect.

Weighers and Measurers.

Sealers of Weights and Measures.

Fees.

Approved, June 29th, 1864.

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POLICE FORCE.

GENERAL ASSEMBLY, May Session, A. D., 1864.

An Act amending the "Bill to organize a Police Force for the City of New Haven."

Resolved by this Assembly:

SEC. 1. That the Board of Police Commissioners of the City of New Haven shall hereafter consist of six persons, residents of said city, who shall be chosen by ballot, one from each ward in the city, by the Court of Common Council of said city, at a lawful meeting of said Court, held within one month after the passage of this Act. Said Court, at the time of choosing said Commissioners, shall, by figures upon the ballots cast, or in some other way, designate two of said Commissioners, who shall hold office from the time of their election to the first Monday in June, A. D. 1865, and until others are chosen in their places; two who shall hold office from the time of their election to the first Monday in June, A. D. 1866, and until others are chosen in their places; and two who shall hold office from the time of their election to the first Monday in June, A. D. 1867, and until others are chosen in their places; and during the month of May in each year, after this year, said Court shall choose by ballot two persons, residents of said city, to be members of said Board for the period of three years from the first Monday in June of the year in which they may be chosen, and until others are chosen in their places. And said Court shall have power to fill, by ballot, vacancies in said Board, whenever the same may occur. *Provided*, that nothing in this Act contained shall affect the tenure of office of any Policeman already appointed, and whose term of office has not expired.

Board of Police Commissioners.

How appointed.

SEC. 2. That all the members of the Police Department of said city shall be appointed by said Board of Police Commissioners, and shall hold office from the time of their appointment until the second Monday in June of the third year after that in which they are appointed, and until others are appointed in their places, unless sooner removed for cause.

Policemen, how appointed.

Term of office.

SEC. 3. Sections Second and Fourth of the "Bill to organize a Police Force for the City of New Haven," approved June 27th, A. D. 1863, and all Acts and parts of Acts inconsistent herewith, are hereby repealed.

Repealing clause.

SEC. 4. This Act shall take effect from the day of its passage.

Approved, July 7, 1864.

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CITY POLICE COURT.

An Act conferring Criminal Jurisdiction upon the City Court of New Haven, and for other purposes.

Criminal jurisdiction of City Court.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, The City Court of the City of New Haven shall have jurisdiction and cognizance of all crimes and misdemeanors committed within said city, the punishment whereof does not exceed a fine of two hundred dollars, or imprisonment in the common jail or work-house six months, or such fine and imprisonment both; and shall have power to proceed to trial, render judgment, and grant warrant of execution, in the same manner as justices of the peace in the several towns in this State may do, in criminal cases lawfully brought before them.

Appeal.

Provided, the accused may appeal to the next Superior Court for New Haven County, in all cases, except when the conviction shall be of the crimes of drunkenness, profane cursing and swearing, and Sabbath breaking, upon giving bond, with sufficient surety, to the Treasurer of this State, conditioned as in appeals from the judgments of justices of the peace to said Superior Court, in criminal cases.

City Court to have powers of Justices of the Peace.

SEC. 2. Said City Court shall also have and exercise within said city, all the jurisdiction, authority and powers which justices of the peace, in the several towns in this State, have and exercise, in all matters of a criminal nature, and may proceed thereon in the same manner as such justices of the peace may do. No grand juror shall make complaint, either to said City Court or to a justice of the peace, of any criminal matter, whereof said City Court has jurisdiction by this act; nor shall any justice of the peace take cognizance of any action or complaint of a criminal nature, whereof jurisdiction is conferred upon said City Court by this act. *Provided*, however, that every grand juror of the town of New Haven shall have power to make complaint before said court, or before any justice of the peace in said town, of any criminal offense which has been, or shall be, committed in that part of said town which lies outside of the limits of said city; and in reference to the prosecution of said complaint, said grand juror shall have all the powers which he now has in such cases, and said court or justice of the peace before whom said complaint may be brought, shall have the same jurisdiction and powers, in reference to said complaint which justices of the peace of said town now have in such cases.

No Grand Juror may prosecute.

No Justice may try complaints.

Proviso.

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SEC. 3. Said City Court shall be legally constituted for the exercise of all or any of the jurisdiction and powers conferred by this act, whenever any member thereof shall be present; and said court shall proceed, in all criminal cases, without jury, may issue subpœnas and capias for witnesses, warrants of arrest upon complaint made to it of crime, and all other usual criminal process, and administer justice in all criminal matters, whereof this act gives jurisdiction and power, according to law. Said court may adjourn any case to a future day for trial, and take bond for the appearance of the accused, as justices of the peace may do, and when the court has final jurisdiction thereof, the bond shall be taken to the treasurer of said city. Said court may, upon complaint and motion of the attorney for said city, supported by oath or affirmation, bring persons accused of crime committed within its jurisdiction before said court for trial, upon bench warrant, without previous complaint or process.

One Judge to constitute a Court.

Process.

Adjournment.

Bonds of appearance.

Bench Warrant.

SEC. 4. Said court shall sit daily, for the trial and disposition of all criminal matters legally brought before it, and the Clerk of said City Court shall act as the Clerk of said court when so sitting, and shall keep the criminal records thereof. All process issuable by said court, may be signed by the clerk thereof, or any member of the court, and all bonds and recognizances may be taken by said clerk or any member of said court.

Daily Sessions.

Clerk.

SEC. 5. It shall be the duty of the Attorney for said city, diligently to inquire after and make due presentment or complaint to said court of all crimes, misdemeanors, and other criminal matters, whereof said court has jurisdiction, or whereon said court may proceed, whether committed before or after his appointment to office. He shall be removable by said court for cause, and if he shall wilfully neglect any duty imposed upon him by this act, he shall incur a penalty of one hundred dollars for every such neglect, one-half to him who shall prosecute to effect, and the other half to the treasury of said city, which said penalty may be recovered in any proper action founded on this statute. Said attorney may, with the approbation of said court, appoint an assistant, who shall have the same powers, perform the same duties, and be subject to the same penalties, as are conferred and imposed upon said attorney, for said city, by this act. Said attorney shall collect, in the name of the city treasurer, and by suit when necessary, all bonds payable to said treasurer when the same shall be forfeited, and shall pay all sums received into the city treasury,

City Attorney to prosecute.

Penalty for neglect.

Assistant Attorney.

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except taxable fees; and said attorney or his assistant may issue subpœnas for witnesses, to be sworn before said court in criminal cases.

Subpœnas.

City Recorder, how removed.

Salary of.

Assistant Judges' salary.

SEC. 6. The City Recorder shall be removable for cause by the Court of Common Council of said city, and shall receive a salary, to be paid by said city, not to exceed at the rate of fifteen hundred dollars per annum, and each assistant judge of said court shall receive, for the time he shall be employed, in the absence of the Recorder, such compensation, to be paid by said city, as shall be fixed by said Court of Common Council. No member of said court shall be disqualified to sit in any action from which money, by penalty or otherwise, may accrue to the treasury of said city, by reason of his being a resident of said city.

Residence in city not to disqualify Judges.

Clerk fees.

Attorney's fees.

SEC. 7. The Clerk of said Court shall receive a docket fee of fifty cents for each case of a criminal nature brought before said court, which shall be in lieu of all other compensation for services required of said clerk by this act.—The Attorney for the City, or his assistant, as the case may be, shall receive the same fees, in all respects, as are allowed grand jurors in similar prosecutions and criminal proceedings before justices of the peace, which fees shall be in lieu of all other compensation for services required of said attorney or his assistant, by this act. In no case shall said attorney or his assistant be allowed fees for more than two days' attendance in the same case.

Costs, what to be taxed.

SEC. 8. The same costs shall be taxed by said court, in all cases and proceedings of a criminal nature, as are taxed in similar cases and proceedings before justices of the peace, and a docket fee of fifty cents in addition; bench warrants shall be taxed at one dollar each; and all copies, in cases coming to the Superior Court, from said City Court by appeal, binding over or otherwise, shall be taxed the same as in similar cases coming to the Superior Court in the same manner, from justices of the peace. In case of conviction, all authorized costs shall be taxed against and paid by the accused; and all costs taxed under the provisions of this act, and not paid by the accused or otherwise received, shall be paid by said city.

Fines and Costs.

SEC. 9. The Clerk shall receive all fines and costs imposed by said court, and paid before commitment; and all fines and costs paid after commitment, to the keeper of the jail, workhouse or other place where the offender is confined, shall be paid by such keeper to said clerk, upon demand. Said clerk shall also draw all sums taxed in the Superior Court, for costs before said City Court, in cases coming from

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said Court to said Superior Court, by appeal, binding over, or otherwise. All fines, costs, and other sums so coming into his hands, except such items of said costs as shall be by him paid to the persons entitled to receive the same, (which payment he is authorized to make, taking receipts therefor,) shall be paid by said clerk into the city treasury, for the use thereof. *Provided*, no part of said cost shall be received by or paid to any member of the police department of said city, for any service whatever, as a witness or otherwise; and *provided, further*, no person shall be entitled to receive any costs, unless demand shall be made therefor within ninety days after the same shall have been taxed. Said clerk may draw orders on the treasury of said city for such sums as may be necessary to pay all fees and costs which have accrued, and shall be payable to any person in criminal prosecutions, or he may pay the same out of the funds of the city, in his hands; he shall account to the treasurer of said city quarterly, under such regulations as the Court of Common Council shall prescribe, for all moneys by him received under the provisions of this act, and his disbursements thereof, and pay all balances at said times of accounting, into the treasury of said city. He shall execute a bond in the penal sum of two thousand dollars, to the treasury of said city, with sureties satisfactory to the Mayor of said city, conditioned for the faithful performance of every duty imposed upon him by this act.

Police not to receive fees.

Costs to be applied for, how.

Orders for fees and costs.

SEC. 10. Process issued by said City Court may be served by any member of the police department of said city, or by any proper officer or indifferent person; and whenever said Court shall, in the manner provided by law, sentence juvenile offenders to the State Reform School, under and by virtue of the jurisdiction conferred by this act, the proper officers of said school shall receive and keep such offenders according to the rules and discipline of the same. All persons sentenced by said court to imprisonment in the county jail or workhouse, in cases within its jurisdiction, shall be received and kept by the keepers thereof according to law.

Process, how served.

Reform School, sentence to.

County Jail, sentence to.

SEC. 11. It shall be lawful for all members of the Police Department of said city, and it shall be their duty, to arrest without previous complaint and warrant, all such persons as are guilty of drunkenness, vagrancy, disorderly conduct, breach of the peace, common assaults, and other offences, when such offences shall be committed within the jurisdiction of said City Court, and such offenders shall be taken or apprehended in the act or on the speedy information of

Arrests without warrant.

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others; and all persons so arrested shall be immediately presented before said City Court for trial; each member of said Police Department shall also have power, by permission of the chief of said department, to pursue and arrest with process, in any part of this State, persons charged with any criminal act committed in said city. The Chief of said Police Department shall have power, subject to the control of the Board of Police Commissioners of said city, to suppress all tumults, riots, and unlawful assemblies within said city, with force and strong hand; to enter any house or building in said city, reasonably suspected of being inhabited, frequented or resorted to by persons of ill fame, or persons of idle, dissolute or disorderly character, or for purposes of gambling or gaming; to command all such persons, when found in or about such house or building, to disperse, and upon their refusal so to do, to arrest such persons and cause them to be brought immediately before said City Court, to be proceeded against according to law, and to require any city sheriff, town or city constable, or any other person, to aid him in the execution of the powers conferred upon him by this section; and every person of sufficient age and ability, who shall refuse to aid and assist him, when so required, shall forfeit a sum not exceeding thirty-four dollars, to the treasury of said city, to be sued for and collected by the attorney for said city.

Police may arrest in any part of the State.

Chief of Police, power of.

May require assistance.

SEC. 12. The Board of Police Commissioners of said city may appoint such number of ordinary policemen as the Court of Common Council of said city, may, from time to time, designate and prescribe.

Policemen, number of.

SEC. 14. This Act may be altered, amended, or repealed, by the General Assembly.

Approved July 21st, 1865.

HORSE RAILROADS.

A PUBLIC ACT PASSED BY THE GENERAL ASSEMBLY, MAY SESSION, A. D. 1863.

An Act relating to Horse Railroads.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That the Court of Common Council of any city, and the Selectmen of any town, in this State, in

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which any Horse Railroad, or any part or branch of any Horse Railroad, shall hereafter be constructed, shall have full power to prescribe and decide upon the form or pattern of iron rail to be used in the construction thereof, and the plan and form of the curves in the tracks of such railroad, or branch road, for turning street corners; *provided*, that the provisions of this section, in regard to the form of rail, shall not apply to any Horse Railroad company whose charter now prescribes the form of rail to be used by said company, unless the Court of Common Council of the city, or the Selectmen of the town, wherein said last mentioned company is located, shall hereafter give permission to change the form of rail now prescribed in said charter.

Common Council may prescribe form of rail, &c., for construction of horse railway.

SEC. 2. Every Horse Railroad company which shall have constructed, or shall hereafter construct, any Horse Railroad in the street or streets of any city or town in this State, shall be and is hereby required to grade and keep in repair the railroad track and railroad way, and the surface of such street or streets adjoining the rails of such railroad, for a space of not less than two feet in width on each side of each rail, and to properly construct all cross-walks in such manner that carriages, wagons, and all other vehicles, can safely and conveniently cross or turn off from such track; and in case of injury to any person, animal or vehicle, arising from any defect in the grading or repair of such railroad, railroad track, railroad way, or of the surface of any street adjoining the rails of such railroad, for a space of not less than two feet in width on each side of each rail, no action shall be maintained against any such city or town for such injury.

Horse Railroad Co. to keep track and two feet of adjoining road in repair.

Action not to be maintained against city.

SEC. 3. That if any Horse Railroad company shall neglect or refuse to keep in good and proper repair its track, or any part thereof, or the crossings, or the surface of any street within and for two feet adjoining each side of said track, the Court of Common Council of any city, or the Selectmen of any town, in which said Horse Railroad is located, may order such company to put such track, roadway, grading or cross-walks in good and sufficient repair, designating in said order the locality where said track, roadway, grading or cross-walk is to be repaired; and said company shall put such track, roadway, grading or cross-walk in good and sufficient repair as soon practicable; and if such company shall neglect or refuse, for the term of thirty days, to comply with such order of the Common Council, or Selectmen, then said Court of Common Council or Selectmen may cause such order to be carried into effect by an agent or agents, by said Council or Selectmen appointed, and the expense caused

Proceeding on neglect or refusal of railroad company to keep track in repair.

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thereby may be collected from such Railroad Company, by any proper action, in the name and behalf of such city or town.

Approved, July 1st, 1863.

THE FAIR HAVEN & WESTVILLE RAILROAD CO.

A Resolution passed May Session, A. D. 1864.

A Resolution amending the Charter of the Fair Haven and Westville Railroad Company.

Railroad Commissioners to locate or change track of Fair Haven and Westville Railroad Co. when.

Sec. 1. *Resolved by this Assembly*, It shall be the duty of the General Railroad Commissioners, whenever they shall be, from time to time, thereto requested by a vote of the Common Council of the City of New Haven, or by the Fair Haven and Westville Railroad Company, to determine and fix upon, and precisely designate, the particular lines, locations and places, upon or along which said railroad company shall hereafter lay its railroad track in any street or streets of said city, within which street or streets said company now has, or may hereafter have, the right of laying any such track; and it shall also be the duty of said Commissioners, from time to time, when thereto so requested by vote of said Common Council or by said railroad company, if, in the judgment of said Commissioners, public convenience and necessity so require, to order said company to remove their track from the place where it now is, or may hereafter be laid down, in any street of said city, to such other precise line, location or place, in the same street, as said Commissioners shall fix upon and designate. *Provided, however*, that said Commissioners shall not so determine or fix upon, or designate, any such line, location or place, nor order any such removal of track, without first giving said Court of Common Council and the said railroad company reasonable notice and opportunity to be heard in the premises; *and provided further*, that said Commissioners shall fix upon the terms and conditions on which any alterations ordered by them shall be made, and shall also determine whether the said railroad company or said city shall pay the expense thereof.

Notice to parties to be given.

Cost of alteration, by whom paid.

Railroad Company to conform to orders of Commissioners.

Sec. 2. The said railroad company shall, in every such case, conform to and obey the directions and orders which may be made by said Commissioners under authority of the

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first section of this Act; and if said company shall neglect or refuse so to do, the Superior Court shall, upon petition of "the Mayor, Aldermen, Common Council and Freemen of the City of New Haven," by process of injunction, compel said company to conform to and obey such directions and orders.

SEC. 3. This Act shall be valid and effectual as an amendment of the Charter of the Fair Haven and Westville Railroad Company, without any acceptance of the same by said corporation, and shall take effect from its passage.

Approved, July 7th, 1864.

PAVING AND IMPROVING STREETS.

Amending the Charter of the City of New Haven.

GENERAL ASSEMBLY, May Session, A. D., 1865.

Resolved by this Assembly:

SEC. 1. The Court of Common Council of the City of New Haven may, whenever, in its opinion, the public good shall so require, order that any street or streets, highway or highways, now or hereafter existing within said city, shall be paved, cobbled, McAdamized or otherwise improved, and may, upon the execution of any such order, assess upon the persons whose property is especially benefited thereby a proportional and reasonable part of the expense thereof, and may estimate the particular amount of such expense to be paid by every such person—said assessments to be made, published and collected or secured, as the case may be, in the same manner, in all respects, as now provided by the Fourth and Fifth Sections of the Resolution passed May Session, 1862, and approved June 27th, 1862, making said city a highway district by itself; and all the provisions of said sections are hereby reenacted, and made a part of this act.

Streets paved and improved.

Expense assessed on property benefited.

Assessments, how made.

SEC. 2. It is hereby made the duty of the Board of Road Commissioners of said city to execute all orders which may be made in pursuance of the foregoing section.

Orders, how executed.

SEC. 3. Whenever, in laying out, altering or improving any highway, street, park or sewer in said city, it shall be necessary to take, or to assess damages for, or benefits against, any land, whose owner is unknown, any Judge of the Superior or Supreme Court of this State may make an

Order of notice when owner is unknown.

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order of notice to such owner, and prescribe the manner of serving the same. And such notice shall, when served in the manner prescribed, be reasonable notice, and such owner shall, upon such service, be deemed to have received reasonable notice of such taking or assessment, and said land may thereupon be taken, and said damages and benefits assessed in manner and form as now prescribed by law.

SEC. 4. This resolution may be amended, altered or repealed by the General Assembly, on application of said city, and shall take effect from the day of its passage.

Approved, July 21, 1865.

HIGHWAY DISTRICT.

Amending the Charter of the City of New Haven.

GENERAL ASSEMBLY, May Session, A. D., 1865.

Resolved by this Assembly:

Streets and highways outside City limits, City not exempt from support of.

That the Proviso in the Second Section of the Act passed May Session, 1862, amending the Charter of the City of New Haven, which provides, "That no portion of the expense of laying out, making, altering, maintaining or discontinuing highways and streets within the Town of New Haven, and outside the limits of said city, shall be assessed upon the inhabitants and property within said city," be and the same is hereby repealed.

Approved, July 21, 1865.

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BY-LAWS

OF THE

CITY OF NEW HAVEN.

TITLE I.—Accounts and Estimates.

CHAPTER I.

A By-Law to provide for Liquidating Accounts against the City of New Haven.

Be it ordained by the Court of Common Council of the City of New Haven, That the Mayor and Aldermen of said city, or the major part of them, are authorized to liquidate and adjust all accounts and demands against said city, and the Mayor or senior Alderman present shall certify to the Clerk of said city the sum allowed in such accounts and claims, in words at full length; and if any person or persons shall be aggrieved by the allowanee of said Mayor and Aldermen, an appeal may be taken to the Court of Common Council to amend such allowance, and if the Common Council, by a majority vote of its members, shall order an increase of the allowance as granted by the Mayor and Aldermen, said order may be suspended by the Mayor, or, in his absence, by the senior Alderman, and if requested so to do by one Alderman and five other members of the Court of Common Council, said order shall be suspended. Any order so suspended shall have no validity until it shall be approved by a meeting of the freemen of said city. And it shall be the duty of the said Clerk, whenever the same shall be presented to him, duly approved, to draw an order for the sum allowed, on the Treasurer of said city. And all accounts and claims so adjusted and presented to the Clerk, shall be numbered, filed and preserved in his office, and all orders

Accounts, how audited.

Appeal to Common Council.

Order.

Approved by city meeting, when.

Duty of Clerk.

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drawn by said Clerk shall be numbered correspondent to such accounts, and registered and indorsed by him in a proper book, to be kept for that purpose.

Duties of Treasurer.

And be it further ordained by the authority aforesaid, That it shall be the duty of the Treasurer of said city to pay the orders drawn on him, in the order in which they shall be presented to him. And when it shall happen that there is not cash in the Treasury sufficient to answer all the orders presented, the said Treasurer shall number and register the said orders in the order in which they shall be presented to him; and the said Treasurer shall on no pretense pay, or advance money upon a subsequent order, until he shall have cash in the Treasury sufficient to satisfy all orders prior in number upon his register.

Accounts to be audited.

And be it further ordained by the aforesaid authority, That the City Auditor shall annually, in the month of May, audit and examine the accounts of the Treasurer; and the Treasurer shall, at the annual meeting in June, in each year, present to said city his accounts so audited, and a statement of the receipts and expenditures of said city for the year next preceding.

Estimates of City Expenses.

CHAPTER II.

Finance Committee to make annual estimates.

Be it ordained by the Court of Common Council of the City of New Haven, That it shall be the duty of the Committee on Finance to submit to the Court of Common Council on or before the 15th day of May, in each year, an estimate of the probable expenses of the city for the municipal year then next ensuing, specifying in detail as far as practicable such expenses, and the proper tax, in their opinion, to be laid at the Annual Meeting of the Freemen,

Mayor to publish.

to provide for the same. And it shall be the duty of the Mayor, (or in his absence or inability to act,) of the Senior Alderman, to cause so much of said estimate as he may deem proper, to be published in two or more daily papers in this city, at least one week before such Annual Meeting.

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TITLE II.—Awning Posts.

By-Law concerning Awning Posts.

Be it ordained by the Court of Common Council of the City of New Haven, That no awning posts of a greater diameter than three inches for so much of the same as shall be above three feet from the curb-stone, shall hereafter be erected or continued in or upon any street or highway, or sidewalk, within the fire limits of said city, unless permission therefor shall be granted by the Mayor and a majority of the Aldermen of said city. And it shall be the duty of the Mayor of the city, for the time being, to give notice in writing to any person or persons who shall erect or continue any awning post or posts in violation of this By-Law, to remove the same within any reasonable time, not exceeding one month after said notice. And if the person or persons so notified, shall neglect within such reasonable time to remove the same, such person or persons so offending or neglecting as aforesaid, shall forfeit and pay twenty dollars to the Treasury of said city, and the like sum for every month thereafter, so long as said post or posts shall be by such person or persons kept or continued, and neglected to be removed as aforesaid.

Dimensions of awning posts.

Mayor to give notice in writing.

Penalty.

TITLE III.—Bonfires.

A By-Law relative to Bonfires.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no bonfire shall hereafter be enkindled in any public street, highway or public square, within the following limits, viz: Beginning at the junction of West Water and Putnam streets—thence in a direct line to the corner of Howe and Morocco streets—thence by the west line of Howe street to Whalley Avenue—thence in a direct line to the corner of Whitney Avenue and Bradley street—thence in a direct line to the middle of Mill River, at the New Haven and Hartford Railroad Bridge—thence by the city line, to the east end of Tomlinson's Bridge, and thence in a direct line to the place of beginning. Nor shall any bonfire be enkindled in any part of the city within five rods of any building or dwelling house, except in gardens,

No bonfire within certain limits.

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and which shall not be less than twenty-five feet from any building. And whoever shall enkindle any bonfire contrary to the force and effect of this By-Law, or shall aid or assist therein by voluntarily furnishing or carrying thereto any fire, fuel, or other materials, shall, for every such offense, forfeit and pay the sum of five dollars.

Penalty.

No bonfire except within certain hours.

SEC. 2. That no person or persons shall hereafter kindle any bonfire within the limits of said city, at any other time than between the rising of the sun and two o'clock in the afternoon. And any person or persons who shall kindle any bonfire contrary to the provisions of this section, or who shall aid or assist in kindling such fire as aforesaid, shall forfeit and pay to the Treasurer of said city, for the use of said city, the sum of ten dollars.

Penalty.

TITLE IV.—BUILDINGS.

CHAPTER I.

A By-Law respecting the Erection of Buildings.

Permits for building.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven,* That no person shall, within said city, build or erect any house or other building, near any of the streets or highways, without having first obtained permission therefor in writing, under the hand of the Mayor and Aldermen of said city, for the time being, or a majority of them, designating the lines on the lands of the proprietors adjoining the streets, highways and alleys, both public and private, already laid out or hereafter to be laid out in said city, between which lines and such streets, highways, or alleys, no building or part of a building shall be erected, that encroachments on the streets, and obstructing places where new streets may be necessary, may be prevented, and a regular and beautiful arrangement of buildings may be preserved. *Provided,* such line be not more than fifteen feet distant from such highway or alley.

Proviso.

Penalty.

SEC. 2. And if any person shall erect or build, or procure to be erected or built, any house or other building, without previously obtaining permission according to this By-Law, such person so offending shall forfeit and pay to the Treasurer of this city, thirty-four dollars; and a like sum for every month that he or she shall continue such house or building after the same shall have been so built or erected, without the approbation of said Mayor and Aldermen.

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CHAPTER II.

A By-Law relating to the Numbering and Re-Numbering of Buildings in the City of New Haven.

Be it ordained by the Court of Common Council of the City of New Haven, That whenever any public street, highway or lane, within the limits of said city, shall be numbered or re-numbered, and a return of the same made to the Common Council, and approved by said court, the City Clerk shall cause the names of the streets so numbered to be published in the daily papers at least two weeks; and it shall be the duty of the owners or proprietors of all buildings on said streets, or their agents, to place the respective numbers on said building within ninety days of said publication; and every such owner shall forfeit and pay a penalty of one dollar for every month of delay to put up the numbers as aforesaid, after said period of ninety days. And it shall be the duty of all owners or proprietors of new buildings placed on said street after said numbering, to put up numbers as aforesaid, within one month from the completion of said buildings, under a penalty of one dollar per month for neglect or delay after said period of one month.

Publishing names of re-numbered streets.

Owners to place numbers on their buildings.

Penalty.

Passed in Common Council, March 24, A. D. 1862.

TITLE V.—BURIALS AND BURYING GROUNDS.

CHAPTER I.

A By-Law relative to the Burial of the Dead.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That it shall be the duty of every person applying for the burial of the body of any deceased person, to furnish the Sexton a certificate of death, signed by the attending physician of such deceased person, (or in case there has been no physician in attendance, then by some other physician, or substantial inhabitant, residing in said city,) containing all the information respecting the deceased, and in the same form as is now required, or may be hereafter required, by the laws of this State. And no Sexton or other person shall open a grave or vault for the reception

Certificate of death to be furnished the Sexton.

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Dead body not to be buried or removed from the city, without certificate.

of a dead body in any public or private burying-ground or place of interment within the City of New Haven, or remove from the city the dead body of any person, until he has received a certificate of death as aforesaid.

Sextons, &c., to make monthly returns to Registrar.

SEC. 2. That every Sexton or other person having charge of any burying-ground, vault or place of interment in said city, shall, during the first week of every calendar month, make and deliver to the Registrar of the Town of New Haven a return of the persons buried in such burying-ground, vault or place of interment, during the month next preceding, containing the names of the deceased and the dates of burial; he shall also deliver to the Registrar, at the same time, the certificates of death, received during the month next preceding, as required by Section 1 of this By-Law.

Registrar to furnish blanks, and to publish abstract.

SEC. 3. It shall be the duty of the Registrar of the town to prepare and furnish to the Sextons, or other persons having charge of any burying-ground, vault or place of interment in said city, blank certificates and blank returns, as described in the first and second sections of this By-Law. Also, to prepare and publish, in a suitable form, a monthly abstract of his record of the deaths in said city.

Compensation of Registrar.

SEC. 4. The Registrar is entitled to demand and receive from the City Treasury a sum not exceeding fifty dollars, annually, in compensation for his services as required by this By-Law.

Penalty.

SEC. 5. That any person who shall violate any of the provisions of this By-Law, shall forfeit and pay into the City Treasury the sum of ten dollars for each offense.

Passed in Common Council, Sept. 17, A. D. 1860.

CHAPTER II.

A By-Law relative to Deceased Persons.

Physician to furnish certificate.

Be it ordained by the Mayor, Aldermen and Common Council of the City of New Haven, That it shall be the duty of the physician last attending any deceased person, to furnish to the friends of the deceased a certificate containing all the information respecting the deceased, required by the State laws. And any such attending physician who shall neglect or refuse to give such certificate, after application by the friends, shall forfeit and pay into the City Treasury the sum of ten dollars for each offense.

Penalty.

Passed in Common Council, Nov. 19, A. D. 1860.

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CHAPTER III.

A By-Law for the Protection of the Walls, Fences and Monuments of the Burying Grounds in New Haven.

No rubbish to be deposited, unless by permission.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That any person who shall deposit, or cause to be deposited, any dirt, grass, brush, building materials, or rubbish of any kind, upon any private lot in any burial ground in this city, unless by permission of the owner or owners of such lot, or upon any public lot, unless by the permission of the committee or of a majority of them, or of the person having the charge of such public lot, or upon the grass, trees or shrubs in any of the alleys, paths, borders, or other parts of said burial grounds, shall be liable to a penalty of five dollars for each offense, and to an additional fine of one dollar for every day such materials or rubbish shall remain so deposited.

Penalty.

No rubbish to be deposited in walks or alleys.

SEC. 2. Any person who shall deposit, or cause to be deposited, any building materials, dirt, or rubbish of any kind, upon any carriage way, alley or path in said burial grounds, without permission from the committee, or a majority of them, or from the person having charge of the same, shall forfeit and pay the sum of five dollars; and any person who may be ordered by a member of the committee, or by the person having charge of the same, to remove the materials or rubbish so deposited, and who shall refuse or neglect to do so, shall forfeit and pay one dollar for each day such materials or rubbish shall remain so deposited.

Penalty.

No trees, &c., to be cut.

SEC. 3. Any person who shall cut, prune, mutilate or remove any tree, shrub, plant, or turf, from any alley, walk, border, or any path of either of said burial grounds, unless by direction of the committee, or of the person having charge of the same, except within his, her or their own private lot, shall forfeit and pay not less than five or more than twenty-five dollars.

Penalty.

Fence and monuments protected.

SEC. 4. That every person who shall climb upon or over the burying ground fence, or wall of any burial ground in said city, or who shall walk or run upon said wall, or upon the inclosure of any lot within said ground, or who shall climb upon, or stand on, any of the monuments in said ground, except in case of necessity, or who shall in any way injure any wall, fence or gateway of any burial ground in said city, shall forfeit and pay to the Treasurer of said city a fine not exceeding five dollars, and pay for all injury or damage to such inclosure, gateway or monument, to be re-

Penalty

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covered by the City Attorney in an action of debt; and in case the persons so offending shall be a minor, his parent, guardian or master shall be liable for the payment of said fine, and judgment may be rendered therefor against said parent, guardian or master, by the court having jurisdiction of said offense.

Injuring gravestones.

SEC 5. That any person or persons who shall directly or indirectly injure or deface, or cause to be injured or defaced, or shall fracture or remove, dig up or break down, or cause the same to be done to any gravestone, monument or other memorial of the dead, which has been, is, or hereafter shall be set up within the limits of said city, whether the same be in a public or private burial ground, in or upon any church or any other building or place, public or private, said person or persons shall, for every such offense, forfeit and pay thirty-four dollars.

Penalty.

CHAPTER IV.

A By-Law for the protection of the Burial Grounds in the City of New Haven.

Fast driving in burial ground.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven,* That no person shall ride or drive any horse or horse kind, at a faster gait than a walk within the limits of any burial ground in said city.

Protecting the turf.

SEC. 2. No person shall ride, lead or drive any horse or horse kind, or any carriage or other vehicle, on the turf in any alley, avenue or path in either of the burial grounds in said city, nor in any other manner wilfully or carelessly injure or deface the turf in any of said burial grounds.

Penalty.

SEC. 3. Any person who shall violate either of the provisions of this By-Law, shall forfeit and pay to the Treasurer of said city a penalty of not less than five dollars nor more than twenty dollars for each offense, to be recovered by the City Attorney in an action of debt brought under this By-Law.

Repealing clause.

SEC. 4. So much of the by-law entitled "A By-Law relative to the Burial of the Dead," as makes it the duty of the Common Council to appoint a Sexton, Hearse-driver or other officer for the City Burial Ground to prescribe rules and regulations for their conduct, and to fix their compensation, shall be and the same is hereby repealed.

Passed in Common Council, August 3, A. D. 1863.

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Public Carriages, Hacks, etc.

CHAPTER I.

A By-Law regulating Public Hacks, and other Carriages.

Hackney Carriages defined.

Sec. 1 *Be it ordained by the Court of Common Council of the City of New Haven*, That every omnibus, coach, chariot, coachee, barouche, landau, or other vehicle, whether on wheels or runners, drawn by one or more horses, or other animal power, which shall be used in the city of New Haven for the conveyance of persons for hire, from place to place within said city, shall be deemed a hackney carriage, within the meaning of these regulations.

Drivers to be licensed.

Sec. 2. No person shall set up, use, solicit, work for, or drive in the city of New Haven, any hackney carriage for the conveyance of persons, for hire, from place to place, within said city, without a license for such carriage, and for each driver, from the Mayor and Aldermen of said city, under the hand of the Mayor; and all such licenses shall be recorded by the City Clerk, and shall expire on the first day of July next following their date; and any and all of them shall be revocable at the pleasure of the Mayor and a majority of the Aldermen.

Sec. 3. [Repealed.] See Sec. 1, Chap. III.

Public Carriages must stand only at places designated.

Sec. 4. No public hack, or other public carriage for the conveyance of passengers, shall be suffered to stand in any street in the city of New Haven, waiting for employment, except at the several and respective places aforesaid; and, provided further, that nothing herein contained shall be construed to prevent any such public hack or other public carriage from standing in front of the premises of the owner thereof, on the same side of the street.

And in single line

Sec. 5. No such public hack, or other public carriage, while upon, at or near either of the said stands, shall stand abreast or alongside of any other such hack or carriage; but all such hacks or carriages when upon any of the stands aforesaid, waiting for employment, shall be drawn up in a single line and as near the side-walk as may be convenient, and so as not unnecessarily to obstruct the public travel.

Drivers to be civil and orderly.

Sec. 6. No driver, while the hack or carriage in his charge is on any of the stands aforesaid, or while waiting for employment, or while employed, shall make use of any pro-

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fane, abusive, indecorous or insulting language, or interfere with any other driver, while such other driver is negotiating with a person for a carriage.

Carriages, how numbered.

SEC. 7. Hackney carriages shall be marked and numbered in the manner following, viz: every hackney carriage or other vehicle in which passengers are carried for hire shall be numbered on the outside, and upon each side, in some conspicuous place, with the number of the license, with white, gilded or painted figures, in the Arabic character, of not less than one and a half inches in size, on a dark ground, or with a dark figure of the same kind and size upon a light ground. The name of the owner, and the number of the license, together with the rates of fare, shall be printed on a card and placed on the inside of every public carriage, in the most conspicuous place.

SEC. 8. [Repealed, Feb. 1st, 1864.]

Baggage to be carried.

SEC. 9. Every driver or owner of a hackney coach, carriage or cab, shall carry, transport and convey in and upon his coach, carriage or cab, in addition to the person or persons therein, one trunk and carpet-bag or hat-box, if he be requested so to do, for each passenger, without charge or compensation therefor; but for every trunk more than one for each passenger, he shall be entitled to demand and receive the sum of twelve cents.

Driver to deposit baggage.

SEC. 10. The driver of each and every carriage shall take the baggage from the carriage and place it upon the Steamboat, or in charge of the baggage-master at the Railroad depot, without extra compensation.

Driver to deposit baggage.

SEC. 11. The driver of each and every carriage shall deposit the baggage of his passenger or passengers in the first story of the building designated, without extra charge.

Regulations to be kept in sight.

SEC. 12. Every person so licensed as aforesaid, shall keep attached to the inside of the carriage used by him for the conveyance of passengers, the eighth, ninth, tenth and eleventh sections of this By-Law, printed in legible type or letters, and where they may be read by the passengers by him conveyed.

Racing.

SEC. 13. No driver of a public hack shall engage in racing with another vehicle, or drive faster than a moderate trot, in any public street of this city.

Penalty.

SEC. 14. If any driver, owner, or person having charge of any public hack, or other public carriage for the conveyance of passengers, or any other person, shall refuse to conform to the foregoing ordinance, or shall in any respect violate any of its provisions, he shall forfeit and pay to the City Treasurer, for any such offense, the sum of ten dollars.

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CHAPTER II.

A By-Law for regulating the Driving of Carriages and other vehicles.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven,* That whenever any persons shall meet each other on any road, street, or bridge, within the city limits, traveling with carriages, wagons, carts, sleds, sleighs, or other vehicles, each person shall seasonably drive his carriage or other vehicle to the right of the middle of the traveled part of such road, street or bridge, so that the respective carriages, or other vehicles aforesaid, may pass each other without interference.

Travelers to take the right hand side of roads, &c.

SEC. 2. No person shall travel on any road, street or bridge within the city limits, with any sleigh or sled, drawn by one or more horses, or horse kind, unless there shall be at least three bells attached to some part of the harness thereof.

Bells to be used with sleighs.

SEC. 3. [Repealed. See Sec. 2, Chapter IV.]

Penalty.

CHAPTER III.

A By-Law in addition to, and in alteration of a By-Law entitled "A By-Law regulating Public Hacks and other Carriages."

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That the following places in the city of New Haven be, and the same are hereby assigned and established as the stands whereat the Public Carriages for the conveyance of passengers may at all times, except on the Sabbath, stand, waiting for employment, viz:

Public Carriage Stands.

1st.—In College street, on the West side thereof, between Elm street and Chapel street, the horses attached to the same to stand facing the South.

College st.

2d.—In Chapel street, on the North side thereof, between Temple street and College street, the horses to stand facing the West.

Chapel st.

3d.—In Church street, on the West side thereof, between Chapel street and Elm street, horses facing the South.

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Church st. 4th —In Orange street, on the West side thereof, between Court street and Elm street, horses facing the South.

Orange st. 5th.—State street, on the East side thereof, between the Merchants' Hotel and Chapel street, shall be devoted exclusively to Stages and Omnibuses, horses facing the North.

State st. 6th.—In Crown street, on the South side thereof, between Church street and Temple street, horses facing the West; but no Carriage will be allowed to stand within twenty-five feet of either side of the cross-walk, which crosses said Crown street, directly opposite Music Hall, except while discharging or receiving passengers.

Crown st. 7th.—In Union street, on the East and West sides thereof, between Chapel and Cherry streets, Hacks and Carriages, excepting as hereinafter named, may stand, horses facing the cross-walk extending from the main entrance of the Depot to the Union House.

Union st. *Provided*, That no Public Hack or other Public Carriage shall stand within ten feet of the intersection of any such streets, or of such other places as may be designated by the Mayor. The Mayor is also authorized to give instructions as to what Express Wagons are to have precedence in the delivery of freight at the Railroad Depots or Steamboats, and the Hacks and other vehicles are required to make room for such Express Wagons, at such times as the Mayor may prescribe.

Carriages not to stand near crossings.

Mayor may prescribe precedence.

The West side of Union street, from south of the south basement entrance to the Depot, to the northerly line of Cherry street, shall be exclusively devoted to the accommodation of Express Wagons. And the drivers of said vehicles shall place their wagons in a line, with the hind wheels thereof to the curbstone, on said West side, commencing at a point two feet South of said South basement entrance, and extending on said line to a point not nearer than six feet to the northerly crosswalk on the line of Cherry street.

Express Wagon stand.

Sec. 2. Such openings shall be left at the Railroad Depot in Union street, for the accommodation of the United States Mail Wagon, as may be designated by the Mayor. Openings shall at all times be left at said Depot, not less than twenty-five feet, on each side of the Westerly end of the crosswalk in said Union street, which crosses said street between the said Depot and the Union House, for the accommodation of Carriages arriving and departing from said Railroad Depot, with passengers; and the driver of each and every Public Carriage, while discharging or receiving passengers at either of said openings, shall discharge or receive the same, as the case may be, with as little delay as possible, and then drive immediately away.

At R. R. Depot.

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SEC. 3. Whenever it shall become necessary, for the reasonable accommodation and convenience of any Carriage or Carriages, or the driver or drivers thereof, for any other Carriage or Carriages to move in any direction, the driver or drivers of such Carriage or Carriages as ought to move, shall, when requested or directed so to do by a Policeman, move such Carriage or Carriages, so as to reasonably accommodate others, and allow the greatest possible number of Carriages to stand in and upon said Hack stand. And if the driver or drivers of any public Carriage or Carriages shall refuse or neglect to move his Carriage as aforesaid, or shall refuse or neglect to move his Carriage from the place or places designated for the United States Mail Wagon, or if any Carriage shall be found without a driver, which shall need moving for any of the aforesaid purposes, then it shall be lawful for any Policeman to move such Carriage or Carriages, and the horses attached to the same.

Policemen authorized to remove carriages.

SEC. 4. When a train of cars enters the Depot of the New York and New Haven Railroad, except trains of the Canal Railroad, all Hackmen, Porters, and Expressmen, in or about the said Depot, shall resort to the stands assigned for them in said Depot, or remain sitting upon their Carriages or Express Wagons, and shall not obstruct the platform, or mingle with the passengers, until the baggage is ready to be delivered, and "checks" are called, unless permission to leave is sooner given by a Policeman, or some agent of said Railroad Company. The doorways and cross-walks must, at all times, be kept clear, and passengers allowed to depart, without solicitation or annoyance. Loud calls, wrestling, shouting, jumping, or any profane or indecorous noises, or disorderly language, will not be permitted, nor rushing or running from either end of the building, nor the passing through the Depot, with or without baggage, while a train is in the building. Baggage must be delivered at and taken from the place designated by the Baggage Master, and carried out from or into the Depot by either the North or the South basement door, and not by the main or passenger entrance.

Hackmen, &c., at R. R. Depot

SEC. 5. Hackmen and Expressmen at any Steamboat landing in the City of New Haven, while the passengers are leaving any Steamboat, are to stand in a line parallel with the side or end of the wharf at which said Steamboat may be discharging passengers at the time, and said line shall not be within a less distance than thirty-three feet from the side or end of such wharf where such Steamboat is discharging its passengers, and they shall not mingle with the passen-

and at Steamboat Wharf.

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gers, or enter upon such Steamboat, until the passengers have landed and permission for that purpose is given them by a Policeman, or some person acting by authority, or the proprietors of such Steamboat or the officers of the same.

Hackmen, &c., may be ordered to their place.

SEC. 6. If any Hackman or Expressman at any of the Railroad Depots or Steamboat landings shall leave his proper place, or stand, in the line, any Policeman shall order such Hackman or Expressman to return thereto.

Express wagons.

SEC. 7. All the provisions of this By-Law are extended to, and shall include and be applicable to all wagons and other vehicles commonly known as Express Wagons, excepting so far as any provision therein contained may make any section especially applicable to Carriages or Hacks only.

When deprived of License.

SEC. 8. Any person thrice convicted of any violation of this By-Law, or the By-Law to which this is an addition and alteration, shall be deprived of his license, and be debarred of having such license renewed for and during the period of one year from the date of said third conviction.

Penalty.

SEC. 9. If any driver, owner, or person having charge of any Public Hack, or other Public Carriage for the conveyance of passengers, or any other person, shall refuse or neglect to conform to the foregoing By-Law, or shall in any respect violate any of its provisions, he shall forfeit and pay to the City Treasurer, for any such offense, the sum of not less than five nor more than twelve dollars.

Repealing clause

SEC. 10. The third section of the By-Law to which this is in addition and in alteration, and the By-Law passed December 16th, 1861, relating to Hackmen, Porters, and Expressmen, be, and the same are hereby repealed.

Passed in Court of Common Council, Aug. 18, A. D. 1862.

CHAPTER IV.

A By-Law in alteration of a By-Law entitled "A By-Law for regulating the driving of Carriages and other Vehicles, Chapter II."

SEC. 1 *Be it ordained by the Court of Common Council of the City of New Haven*, That every person who shall violate any of the provisions of the By-Law of which this

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is an alteration, shall for each and every offense, forfeit and pay to the City Treasurer, a sum not exceeding five dollars. Penalty for violation of the above By-Laws.

SEC. 2. That Section 3 of the By-Law of which this is in alteration, be and the same is hereby repealed.

Passed in Court of Common Council, Dec. 15, A. D. 1862.

CHAPTER V.

A By-Law in alteration of a By-Law regulating Public Hacks and other Carriages.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That no owner or driver of any "Hackney Coach" shall charge, demand, take, or in any way receive for the carriage of passengers within the city limits, more than the following prices or rates, namely:

For the carriage of a single passenger with one trunk and a carpet bag, hat-box or other similar article, FROM any Railroad Depot, Steamboat Landing, or other point or place within said limits, TO any Railroad Depot, Steamboat Landing, or other point or place within said limits, FIFTY CENTS:

For the carriage of two or more passengers, with the amount of baggage stated above for each, FROM the same Railroad Depot, Steamboat Landing, or other point or place, TO the same point, place or destination, within said city limits at the same time, THIRTY-FIVE CENTS EACH. Fares and charges.

For carrying a child over four and under ten years of age, *one-half the above rates.*

For a carriage to and from a party or a wedding within the city limits, THREE DOLLARS.

For a carriage to and from a funeral, TWO DOLLARS, and if to and from a church, THREE DOLLARS.

And for the use of a Hackney Coach and two horses, ONE DOLLAR AND FIFTY CENTS per hour, and at that rate for fractions of an hour.

SEC. 2. That every driver of any "Hackney Coach" shall, while engaged in soliciting or carrying passengers, wear, in some conspicuous place upon his person, the NUMBER of his license, which number shall be, in all cases, the same as that of the carriage which he drives; and it shall be and is hereby made the duty of all owners of Public Hacks to put up, keep, and maintain in the most conspicuous places inside of their respective hacks, at least two of the cards specified in the Seventh Section of the By-Law Drivers of Hackney Coaches to wear the number of their licenses.

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of which this is an alteration; and in case of removal, by any cause, of any of said cards, to forthwith replace the same, one of said cards to be at each end of said hack.

No driver to drive two carriages under the same license.

And whenever any driver shall cease to drive a carriage, he shall not be at liberty to drive another of a different number until he has taken out a renewal license, with the same number as that of the carriage he intends to drive; which renewal license the Mayor and Aldermen are hereby empowered to grant at their discretion, upon the cancellation of any driver's license previously granted, of the same number as that of the carriage for the driving of which said renewal license is to be granted.

License Fee.

SEC. 3. That the annual license fee to be paid by hackmen and drivers of "Hackney Coaches," shall be ONE DOLLAR, and for each renewal license required by the provisions of the foregoing Section, TWENTY-FIVE CENTS.

No one to drive for hire without license.

SEC. 4. That no person shall carry passengers for hire within the city limits, without a license from the Mayor and Aldermen so to do; but said Mayor and Aldermen may, and they are hereby empowered to grant licenses for such period of time less than one year, as they may deem proper,

Special Licenses.

to persons wishing to carry passengers within said city limits ONLY on public occasions when there is an unusual amount of travel. And the license fee to each and every

License Fee for special purposes.

person so licensed, shall be, if he drives a one horse team, not less than THREE DOLLARS; if a two horse team, not less than FIVE DOLLARS, and if a three or four horse team, not less than TEN DOLLARS.

Penalty.

SEC. 5. That every person who shall violate any of the provisions of this By-Law, or of the By-Law of which this is an alteration, shall, for each and every violation, forfeit and pay a fine of TEN DOLLARS.

Penalty for refusing to carry persons or baggage.

SEC. 6. If any driver of a Hackney Coach or vehicle for the conveyance of passengers, shall REFUSE to carry any person or persons with their baggage at such rates of fare as are provided in this By-Law, his license shall be void, and he shall forfeit and pay a penalty of FIVE DOLLARS.

SEC. 7. That Section Eight of the By-Law of which this is an alteration, and all other parts of said By-Law inconsistent herewith, be, and the same are hereby repealed, provided that said repeal shall not take effect until this By-Law shall have become operative; and provided further, that this repeal shall not affect any suit or prosecution now pending for violation of any of the provisions of said By-Law.

Passed in Court of Common Council, Feb. 1, A. D. 1864.

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TITLE VII.—CARMEN.

CHAPTER I.

A By-Law for regulating Carmen, &c.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no person whatever shall act as a common carter, drayman, or carman, expressman or baggageman, or drive a cart, dray, express or baggage wagon, within said city, without having a license for that purpose, from the Mayor, or in his absence, the senior Alderman present in said city, which license shall be recorded in the office of the City Clerk, and be by him numbered, and his cart, dray or wagon, numbered, before the same shall be of any effect. The fee for granting such license shall be twenty-five cents.

Carmen, &c. licensed.

License to be recorded.

Fee.

And if any person shall act as a common carter, drayman, carman, expressman or baggageman, within said city, without being licensed as aforesaid, and complying with all the prerequisites enjoined by this law, on conviction thereof, he shall forfeit and pay the sum of five dollars, and any license granted by force of this law, may be revoked by the Mayor, or Aldermen, or a majority of them, at any time.

Penalty.

SEC. 2. [Repealed Feb. 1st, 1864.]

CHAPTER II.

A By-Law in addition to a By-Law, entitled "A By-Law for regulating Carmen, &c."

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no owner or driver of any Baggage Wagon or Express Wagon, for the carriage of baggage or goods of any kind within the city limits, shall charge, demand, take, or in any way receive more than the following rates or prices, namely:

For the carriage of any trunk, chest, or other article of baggage, or any box, bundle, or package of goods of any kind not exceeding sixty pounds in weight, from any point or place within the city limits, to any point or place within said limits, twenty-five cents.

Rates or Prices for Baggage or Express Wagons

For each additional trunk, chest, box, bundle, package, or other article, ten cents.

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For the use of an Express Wagon or Baggage Wagon, for one entire day, four dollars, and at that rate for half a day.

For the use of the same by the hour for any period of time less than half a day, fifty cents per hour, and at that rate for fractions of an hour.

And for moving a chest of tools, from any point or place within said city limits, to any point or place within said limits, fifty cents.

Licenses.

SEC. 2. That the license fee to be paid by each person who shall act as a Drayman, Carman, Expressman, or Baggageman, within said city limits, shall be fifty cents, and all such licenses shall be numbered, and shall expire on the first day of July next following their date, unless before that time revoked by the Mayor and Aldermen.

Numbers.

And it shall be and is hereby made the duty of each and every person soliciting as a Drayman, Carman, Expressman, or Baggageman, to place the number of his said license in large figures, in some conspicuous place on his Wagon, Cart, or Dray. And each Expressman or Baggageman to have said number, when soliciting or engaged in work, in some conspicuous place upon his person.

Penalty.

SEC. 3. That every person who shall violate any of the provisions of this By-Law, or of the By-Law to which this is in addition, shall, for each and every such violation, forfeit and pay a fine of five dollars.

Penalty for refusing to carry goods.

SEC. 4. If the driver of any Express Wagon, Baggage Wagon, or other vehicle for the carriage of baggage or goods of any kind, within the limits of the city of New Haven, shall *refuse* to carry any baggage or goods at such rates of fare as are provided in this By-Law, his license shall thereupon become void, and he shall forfeit and pay a penalty of five dollars.

Repealing clause.

SEC. 5. That so much of the By-Law to which this is in addition, as is inconsistent herewith, be and the same is hereby repealed; said repeal to take effect when this By-Law becomes operative, and not before.

Passed in Court of Common Council on the first day of February, A. D. 1864.

TITLE VIII.—CHARCOAL.

A By-Law regulating the Measuring of Charcoal.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven,* That all charcoal sold by the bushel,

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basket or box, (except such as may be measured by the bushel on the carts or wagons containing it,) within the limits of this city, shall be measured in baskets or boxes of the capacity of three bushels and no more, when even full; said baskets or boxes to be sealed by the Town Sealer of weights and measures, and so made as to be of as great diameter inside at the top as at any other part: the height of such baskets to be not greater than the diameter, and to be as nearly flat upon the bottom as practicable—and any person who shall sell any charcoal within the limits of this city, contrary to the provisions of this By-Law, shall forfeit and pay a penalty of ten dollars for each offense, one-half to the complainant, and the other half for the use of the city.

Measure regulated.

Penalty.

SEC. 2. The owner or owners of the charcoal, and also the owner or owners of the vehicle in which said charcoal shall be contained, when sold contrary to the provisions of this By-Law, shall, each and all of them, be liable for the penalty for such offense, when the same cannot be collected of the person who sold and delivered the coal.

Liability of owners.

TITLE IX.—CITY CLERK.

A By-Law respecting the Clerk of the Common Council.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That the Clerk of said city, for the time being, shall be Clerk of the Common Council, and shall keep a regular journal of the meetings and proceedings, or acts, of said Court of Common Council, and the names of the members present at each meeting, and in the absence or disability of said Clerk, the Court of Common Council may at any time appoint an Assistant Clerk, who, after taking the oath or affirmation provided by law for the Clerk of said city, shall have power to perform all the duties of said Clerk. And a suitable salary shall be paid to said Clerk for his services as Clerk of the city and of the Court of Common Council.

Duty of City Clerk.

Assistant Clerk to be appointed by Common Council.

SEC. 2. That it shall be the duty of said Clerk to cause all the By-Laws of said city hereafter enacted, to be published as is by law provided, and to make entries attested by him of such publication, and of the publication of the present By-Laws of said city, upon the records thereof; and a certified copy by the Clerk of said city of such an entry, shall be evidence of such publication.

Clerk to publish By-Laws.

SEC. 3. That the City Clerk be, and is hereby author-

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Fees.

ized to demand and receive as fees or perquisites of his office, (except when required for the exclusive use of the city or the Common Council,) for issuing each hack, dray, cart, or other license, twenty-five cents. For the use of the corporate seal on any attestation, acknowledgment, or other certificate, fifty cents. For each certificate not under the corporate seal twenty-five cents. For certified copies of any record, each seventy-two words, twelve and one-half cents. For all permits, or certificates of permits granted by the Common Council, and recorded by him, twenty-five cents.

TITLE X.—Fire.

[Repealed, May 19, A. D. 1862, and the following Substitute enacted.]

CHAPTER I.

A By-Law for protecting the City of New Haven from Fire.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That at the first meeting of the Court of Common Council held in the City of New Haven, after this ordinance shall take effect, said Court of Common Council shall choose, by ballot, six citizens of said city, to be and constitute the Board of Fire Commissioners of the city of New Haven; that in choosing said Commissioners, each member of said Common Council may vote for three persons, and no more, which three persons shall all be voted for upon one piece of paper, and shall be marked or described thereon as first, second and third; that the two persons of those voted for marked or described as "first," who shall receive the largest number of votes, shall be members of the Board of Fire Commissioners for the period of one year from the first Monday in June, A. D., 1862, and until others are elected in their places; that the two of those voted for marked or described as "second," who shall receive the largest number of votes, shall be members of the Board of Fire Commissioners for the period of two years from the first Monday in June, A. D., 1862, and until others are elected in their places; that the two of those voted for marked or described as "third," who shall receive the largest number of votes, shall be members of the Board of Fire Commissioners, for the period of three years from the first Monday in June, A. D., 1862, and until others are elected in their

Election of Board of Fire Commissioners.

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places. And hereafter, the said Court of Common Council shall, in the month of May in each year, after the year 1862, choose by ballot, in the manner above described, two citizens of the said City of New Haven, to be members of the said Board of Fire Commissioners, for the period of three years from the first Monday in June, of the year in which they are chosen, and until others are elected in their stead. But no member of said Court of Common Council shall, at any election of Fire Commissioners, after the first election provided for in this ordinance, vote for more than one person; and the two persons having the highest number of votes shall be elected. And the said Court of Common Council shall, at the same meetings at which it elects members of the Board of Fire Commissioners, elect in the same manner an equal number of substitutes, who shall act as members of the Board of Fire Commissioners in the absense, disability or resignation of the member or members of the Board elected for the same term of years for which they are elected. And said Board shall designate the substitute for each individual Commissioner, and cause a record to be made of the same. And said Court of Common Council shall have power to fill all vacancies in or among members of the Board of Fire Commissioners or their substitutes. The Mayor of the city, for the time being, shall be *ex officio*, a member of the Board of Fire Commissioners, but shall have no vote in the appointment of members of the Fire Department. The members of the Board shall receive no pay for their services.

Election of Substitutes.

Vacancies.

Sec. 2. The said Board of Fire Commissioners shall make all needful rules and regulations for the government of the Fire Department of the City of New Haven, not inconsistent with the laws of the State or the charter and by-laws of the City of New Haven, and shall have entire control of the property of the city used for the Fire Department, with the right to change or dispose of the same. The Board shall submit to the Common Council, on or before the 10th of May in each year, estimates of the amount of money required for the ensuing year, specifying the purposes for which each and every part is required. And it shall not at any time allow the expenses of the Fire Department to exceed the estimates thus made; it shall have the control of, and be responsible for, all the expenses incurred in or for the Fire Department; and if in any year it shall become necessary for the said Board to exceed the estimated expenses, the Board shall communicate to the Council the reasons why the estimates have proved insufficient, and present additional

Duties of Fire Commissioners.

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estimates for the approval of the Common Council. The Board shall each month audit, certify and pass over to the Finance Committee of the Common Council, all bills created in or for the Fire Department, and shall have the exclusive power of appointing and discharging all members of the Department.

SEC. 3. [Repealed July 11th, A. D. 1864.]

Duties of Chief Engineer.

SEC. 4. The Chief Engineer shall have charge and control of the Fire Department, subject to the rules and regulations of the Board of Fire Commissioners. He may suspend any member of the Department, with loss of pay, until the Board of Fire Commissioners have an opportunity to decide whether such member should be restored to his place or discharged from the Department; he shall make all the ordinary purchases for the Department, under the direction of the Board of Fire Commissioners, and within the limits of the appropriations the Board may make to him. He shall be responsible to the Board for all the property of the Department submitted to his superintendence, the efficiency of the several Fire, Hose, Hook and Ladder Companies, and their general good behavior; he shall examine all buildings, the stoves, stove pipes, fire places, chimneys therein, and the places for depositing ashes, and may order that any stove, stove pipe, fire-place, chimney or place of depositing ashes, shall not be used until sufficiently repaired, whenever he shall deem the same to be defective or unfit. He shall superintend the scavengering of the streets, and direct the use of the city teams for that purpose, [*Note.*—The superintendence of street scavengering is transferred to Street Commissioner,] and also for other public purposes; he shall keep the record and accounts of the Department, and a record of fires, fire alarms, the value and kind of property destroyed, and the amount of insurance—all of which he shall publish annually in the city papers; he shall examine all buildings in process of erection or repair, and see that they are properly protected in their walls, fire-places, chimneys, and means of heating, and against danger from fire; he shall report to the Board of Fire Commissioners once a month upon the condition and efficiency of the Department, and shall make an annual report of the condition and affairs of the Department to the Common Council.

Working force of the Department, and wages.

SEC. 5. There shall, until the Court of Common Council shall otherwise order, be in the Fire Department not to exceed three steam fire engines, to be drawn by horses. Each steamer shall have one engineer, to be paid at the rate of not to exceed six hundred dollars annually; one driver, to be

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paid at the rate of not to exceed three hundred and sixty-five dollars annually; one fireman, to be paid at the rate of not to exceed sixty dollars annually; one hose driver, to be paid at the rate of not to exceed sixty dollars annually; one foreman, to be paid at the rate of not to exceed forty-five dollars annually; and not to exceed five [altered to twelve, July 11th, A. D. 1864,] hosemen, to be paid not to exceed forty dollars annually. There shall also be, not to exceed three hose companies, consisting each of one foreman, to be paid not to exceed forty-five dollars annually; and one assistant and twelve men, and to each hose company shall be paid not to exceed thirty dollars per man annually. There shall also be one hook and ladder company, to consist of one foreman, one assistant and sixteen men, and said company shall be paid at the rate of not to exceed thirty dollars per man annually.

When Engineer may destroy buildings.

SEC. 6. The Chief Engineer, or person in command at a fire, may, with the advice of the acting Mayor, direct the destruction of any building they may judge necessary to be destroyed, to stay the further progress of the fire.

Persons at a fire to obey orders of Engineers.

SEC. 7. Each and every person, whether a fireman or not, present at a fire, shall conduct in an orderly manner, without noise or disturbance, and shall promptly obey any order he may receive from the Chief Engineer or his Assistants; and if any person shall refuse or neglect to obey any order so given him, or shall resist, obstruct, or abuse any officer of the Fire Department, every such person so offending shall forfeit and pay the sum of fifteen dollars: and such engineer may forthwith, and without warrant, arrest any such offender and hold him, or cause to be held in custody, until the fire shall be extinguished, and until a prosecution can be commenced against him, and may require all necessary assistance for that purpose.

Penalty for disobedience.

Buildings—certificate from Chief Engineer required.

SEC. 8. Every person who shall erect or add to any building in the city of New Haven, shall, before said building or addition is occupied or used, obtain from the Chief Engineer of the Fire Department a certificate that said building is erected in accordance to law, and is sufficiently protected against damage by fire; and any person offending against this provision shall forfeit and pay for the use of the city the sum of $100 a month for each month during which said building is occupied or used without such certificate. No person shall, without the approbation of the Chief Enginner, use any stove in said city, unless the pipe or pipes thereof be conducted into a chimney, nor shall any person use any stoves, stove pipes, fire place, furnace, chimney or place for

Stoves, fire-places, chimneys, &c.

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depositing ashes, after the same has been adjudged to be defective, or unfit for use, by the Chief Engineer, until the same be repaired to the satisfaction of the Chief Engineer; and any person offending in either of the aforesaid particulars, shall forfeit as a penalty, and pay to and for the use of said city, fifteen dollars.

Penalty.

Fire in barns and stables.

No person shall carry into, or use in any barn or stable in the limits of said city, or in any building whatever, in which hay, straw, stalks or husks are deposited, any lighted candle, lamp, or fire, unless the same be well secured in a lantern; or shall carry a lighted pipe or cigar into the same; and each person offending in either of the above particulars, shall forfeit to and for the use of said city, five dollars.

Pipes and cigars in stables, &c.

Penalty.

Hay, husks, &c., not to be kept in dwellings.

No person shall deposit or keep any hay, stalks, straw, husks or flags in any building in said city wherein any person dwells, or in which a fire is enkindled, unless licensed by the Common Council, on pain of forfeiting to and for the use of said city, thirty-three dollars.

Injury to wells, hydrants, &c.

No person, with the design to render the public wells, pumps, hydrants or reservoirs of water belonging to the city, unfit for use, shall stop, choke or damage the same, on pain of forfeiting for each of said offences, to and for the use of said city, fifty dollars.

Repealing clause.

Sec. 9. Title ten of the By-Laws of the City of New Haven is hereby repealed, from and after the date upon which this By-Law takes effect, and the resolution paying the Street Commissioner one hundred dollars annually for superintending the scavengering of the streets, and all by-laws or votes inconsistent with this By-Law, are hereby repealed.

Passed in Common Council, May 19, A. D. 1862.

CHAPTER II.

A By-Law in alteration of "A By-Law for Protecting the City of New Haven from Fire."

Appointment of Chief Engineer and his Assistants.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven,* The Board of Fire Commissioners of this city shall, from time to time, as occasion may require, appoint a Chief Engineer, who shall hold his office for the term of three years from the time of his appointment, unless sooner removed by said Board; and three Assistant Engineers, who shall hold their offices for the period of three years from the time of their appointment respectively, unless

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sooner removed by said Board. It shall be and is hereby made the duty of said Assistant Engineers to assist the Chief Engineer at all fires occurring in said city, and at all other times when called upon so to do.

When Assistants shall act as Chief Engineer.

Whenever, for any cause, the Chief Engineer shall be absent or unable to discharge the duties of his office, said Board may designate one of said Assistant Engineers to perform the duties of the Chief during such absence or inability; and said Assistant so designated shall, during the continuance of such absence or inability, perform all the duties, and be invested with and exercise all the powers of Chief Engineer; and shall, during such time, receive the pay of the Chief Engineer and no more. The Chief Engineer shall be paid at the rate of nine hundred dollars a year, and he shall devote his whole time to the duties of his office; and each of said Assistant Engineers shall be paid at the rate of fifty dollars a year.

Salaries.

Hosemen.

Sec. 2. Said Board of Fire Commissioners shall, from time to time, appoint such number of Hosemen for each steam fire engine of the city, not exceeding twelve in all at any one time, as may by said Board be deemed proper; the same to hold office during the pleasure of said Board, and to be paid at the rate of not exceeding forty dollars a year to each one.

Repealing clause.

Sec. 3. The third section of the By-Law of which this By-Law is an alteration, and so much of the fifth section of said By-Law as is inconsistent herewith, is hereby repealed; provided, however, that this repeal shall in any way affect or shorten the terms or term of office of any person or persons heretofore appointed under any of the provisions of either of said sections.

Passed in Common Council, July 11, A. D. 1864.

CHAPTER III

A By-Law in addition to a By-Law for Protecting the City of New Haven from Fire.

Fire District.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven.* That within the limits herein designated, no person shall erect, build, enlarge, add to, elevate or heighten any house or building of any kind, unless the outer walls and roof of said roof or building are made of fire-proof materials; nor shall any person move from place

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to place, within said district, or into said district, from without it, any house or building of any kind, unless the outer walls and roof of such houses are made and composed of fire-proof materials. Said district is bounded and described as follows:

Boundaries.

Beginning at the intersection of the New York and New Haven Railroad with West Water street—thence northerly through the center of West Water street to a point one hundred and fifty feet northerly from West Water street at its intersection with Columbus street—thence by a line one hundred and fifty feet north-westerly from and parallel with West Water street to a point one hundred and fifty feet southerly from Hill street—thence by a line one hundred and fifty feet southerly from and parallel with Hill street to a point one hundred and fifty feet southerly from Morocco street—thence by a line one hundred and fifty feet southerly from and parallel with Morocco street to a point one hundred and fifty feet southerly from Oak street—thence by a line one hundred and fifty feet southerly from and parallel with Oak street to a point one hundred and fifty feet westerly of the point where the westerly boundary of Dwight street extended would intersect said line—thence by a line one hundred and fifty feet westerly from and parallel with Dwight street to Whalley Avenue, and to a point one hundred and fifty feet northerly of the point where the northerly boundary of York Square (or said boundary extended westerly,) would intersect said line—thence by a line one hundrad and fifty feet northerly from and parallel with the northerly boundary of York Square to the center of Ashmun street—thence by a line through the center of Ashmun street to a point one hundred and fifty feet northeasterly from Lock street—thence by a line one hundred and fifty feet northeasterly from and parallel with Lock street to Prospect street—thence through the center of Prospect street to its intersection with Sachem's Lane—thence through the center of said Lane to its intersection with Whitney Avenue—thence through the center of said Avenue to a point one hundred and fifty feet northerly from Bradley street—thence by a point one hundred and fifty feet northerly from and parallel with Bradley street to a point one hundred and fifty feet northerly from Grand street—thence by a line one hundred and fifty feet northerly from and parallel with Grand street to the center of the channel of Mill River—thence by a line through the center of said channel to a point one hundred and fifty feet southerly from the South end of Long Wharf—and thence by a straight line to the place of beginning.

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And all the land and territory included within said boundaries shall be and remain the Fire District, and said boundaries the Fire Limits of said city, until otherwise ordered by the Court of Common Council; provided, that nothing in this By-Law contained shall be so construed as to prevent the erection or removal of privies within said limits; provided, further, that nothing herein contained shall be so construed as to prevent the erection of wooden sheds for the storage of coal, sand and iron, along that portion of Mill River and the New Haven harbor included within said boundaries; provided, that this By-Law shall not affect any building in process of erection or enlargement on the 26th day of August, 1864, or any building contracted for previous to the date aforesaid, and to be completed on or before the 1st day of January, 1865; and provided further, that before any such work is proceeded with, a permit shall be obtained from the Mayor and Aldermen, who shall be first satisfied that the requirements of the foregoing proviso have been, or will be, complied with, as the case may be.

Proviso.

Sheds for Coal and Wood.

Permits to erect buildings contracted for.

Sec. 2. Every person who shall violate, or aid in violating, any of the provisions of the foregoing section, shall for each and every such violation forfeit and pay a penalty of one hundred dollars; and every house or other building erected, enlarged, added to, elevated or heightened, in violation of the provisions of this section, shall be annually assessed four fold in the list of polls and rateable estate of the Town and City of New Haven. Every person who shall continue, or aid in continuing, any violation of this section, shall for each and every month of such continuance, forfeit and pay a penalty of fifty dollars.

Penalties.

Houses assessed fourfold.

Sec. 3. That the Mayor, Aldermen and Chief Engineer of the Fire Department of this city be, and they are hereby authorized and empowered, on proper application to them in writing, and for good and sufficient cause, to grant to any person or persons who may apply for the same, a permit to erect, build, enlarge, add to, elevate or heighten, any dwelling house or houses whose outer walls are not made or to be made of fire proof materials, within that part, and that part only, of the present fire district, which is situated between the fire limits as fixed and prescribed by the By-Law, to which this is an addition, and the old fire limits, as defined by the fifty-fifth section of the City Charter, adopted at the May Session of the General Assembly, A. D. 1857.

Permits to build between old and new fire limits.

Sec. 4. That whenever the Mayor, Aldermen and Chief Engineer shall, by unanimous vote, decide to grant any permit as aforesaid, they shall make a certificate, stating the

Certificate.

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granting of such permit, which certificate shall be signed by all of them, and lodged with the City Clerk for record.

Recorded.

SEC. 5. That whenever any certificate, as aforesaid, shall be lodged with the City Clerk for record, as aforesaid, it shall be his duty to record the same, and to furnish to the person or persons to whom said permits shall be granted, an attested copy of said certificate upon payment by said person or persons of the sum of one dollar.

Copies.

SEC. 6. Any person who shall violate any of the legally made rules and regulations of the Board of Fire Commissioners, for the government of the Fire Department, shall be subjected to a fine of not less than five dollars nor more than twenty dollars, said fine to be appropriated, when collected, to the Firemen's Benevolent Association of New Haven.

SEC. 7. The By-Law entitled "A By-Law in alteration of a By-Law for the protection of the City of New Haven from Fire," passed March 2d, 1863, and all By-Laws or parts of By-Laws inconsistent with this By-Law, are hereby repealed —except that all previous violations of any such By-Laws, or parts of By-Laws, may be proceeded against and punished as if this By-Law had not passed.

*Passed in Common Council, March 20, A. D. 1865.

TITLE XI.—FIREWORKS AND FIREARMS.

CHAPTER I.

A By-Law relative to Selling Squibs, Torpedoes, and Fire Crackers.

Sale of fireworks, squibs, &c., prohibited.

Be it ordained by the Court of Common Council of the City of New Haven, That no person shall sell or expose for sale in the City of New Haven, any fireworks, commonly called squibs or crackers, torpedoes, serpents, or other fireworks of what nature or description soever, except in packages containing each at least one thousand, under a penalty not exceeding twenty-five dollars for any such offense, and whenever the offense shall be committed by a minor, the parent or guardian shall be liable for the penalty.

Penalty.

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* See By-Law passed May 29, 1864.

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CHAPTER II.

A By-Law relative to firing Squibs, Rockets, and Crackers.

Be it ordained by the Court of Common Council of the City of New Haven, That no person shall, without permission in writing of the Mayor and of two Aldermen, or of three Aldermen, fire any squib, rocket, or fire cracker, within the limits of the city, or aid or assist in the same; and every person who shall, without such permission, fire any squib, rocket, or fire cracker, within the limits of said city, or aid or assist in so doing, shall severally for every such offense, forfeit and pay a penalty of thirty-four dollars. *Provided*, nevertheless, such penalty may, at the discretion of the Court before which, and at the time the trial shall be held, be reduced to any sum not less than ten dollars; and every penalty incurred by virtue of this By-Law shall be recoverable to the use of said city, by any proper action; and if every such offense shall not be bona-fide prosecuted to the use of said city, as aforesaid, within the space of four weeks from the time such offense shall be committed, it shall be lawful for any person, in his own name, to sue for and recover such penalty for his own use, by any proper action under this By-Law.

Firing squibs, &c. prohibited.

Penalty.

How recoverable

CHAPTER III.

A By-Law relative to Fireworks within the limits of the City of New Haven.

Be it ordained by the Court of Common Council of the City of New Haven, That no person shall, without permission in writing of the Mayor and two Aldermen, or of three Aldermen, exhibit any fireworks within the limits of said city, by setting fire to any gunpowder, saltpetre, sulphur, charcoal, camphor, or other combustible matter, or to a composition or mixture of any of the aforesaid or other combustible matters, or aid or assist in the same; and every person who shall, without such permission, exhibit any fireworks, by setting fire to any gunpowder, saltpetre, sulphur, charcoal, camphor, or other combustible matter, or to a composition or mixture of any of the aforesaid or other combustible matters, or aid or assist in so doing, shall severally for every such offense, forfeit and pay a penalty of thirty-four dollars, for the use of said city, recoverable in any proper action.

Exhibition of fireworks prohibited.

Penalty.

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CHAPTER IV.

A By-Law to prevent the Discharging of Firearms within certain parts of the City of New Haven.

Discharging fire-arms prohibited.

Be it ordained by the Court of Common Council of the City of New Haven, That no person or persons shall hereafter, on any occasion, or for any purpose, discharge any pistol, gun, or other firearm, of any sort or description, except as is hereafter provided, in any part of said city. And if any person or persons shall be guilty of discharging any pistol, gun, or other firearm, of any sort or description, within the limits aforesaid, such person or persons shall, for every such offense, forfeit the sum of three dollars, to be recovered by action of debt, in any court proper to try such action, and by the City Treasurer, who is hereby authorized to prosecute the same. And any penalty which shall be recovered by virtue of this law, shall be paid into the treasury of said city, for the use of said city.

Penalty.

Treasurer to prosecute.

Parent, guardian and master liable.

And be it further enacted by the authority aforesaid, That if any child under the age of twenty-one years, any ward or servant, shall offend against this law, the parent, guardian or master of such offender shall be liable to the penalty incurred by such offense, and may be sued therefor in any action of debt, in manner before in this ordinance prescribed. And the penalty which may be recovered by virtue of this paragraph of this law, shall belong to the city in manner aforesaid.

Except for military duty.

Provided always, That nothing in this law shall in any wise be construed to extend to any act done by any person or persons, on any military occasion, while under any military command, and in obedience to the order of any military officer.

Permission by Mayor, &c.

Provided also, That this law shall not be construed to extend to any firing of cannon, or other firearms, permission for which has been first obtained of the Mayor, or some one or more of the Aldermen of said city.

Firearms loaded with ball, &c.

Be it further ordained, That no person or persons shall, on any occasion, discharge any pistol, gun, or other firearm, loaded with a ball, slug or buckshot, within any part of the limits of said city, on penalty aforesaid, and to be recovered and appropriated in manner aforesaid.

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TITLE XII.—Gardens.

A By-Law for detecting and punishing Trespasses in Gardens.

Be it ordained by the Court of Common Council of the City of New Haven, That whosoever shall be guilty of entering into any garden within this city, without license from the owner, and against his will, and having so entered, shall take or destroy any of the fruits or produce of such garden, every person so offending shall forfeit and pay to the person so trespassed upon, all damages he shall have sustained thereby, and also a penalty of not more than twenty dollars.

Trespass upon gardens prohibited.

Damages and penalty.

TITLE XIII.—Gunpowder, Etc.

CHAPTER I.

A By-Law relative to the Storage and Sale of Gunpowder.

Be it ordained by the Court of Common Council of the City of New Haven, 1st. That hereafter no person or persons shall, within the following limits, viz.: beginning at a point twenty rods south of the south-easternmost part of Union Wharf, and thence running in a direct line to the intersection of Howard Avenue and Putnam street, thence in a direct line to the intersection of Samaritan* and West streets, thence in a direct line to the intersection of Whitney Avenue and Humphrey street, thence in a direct line to the north-east corner of the Railroad Bridge over Mill River, thence in a direct line to the easternmost part of the draw on Tomlinson's Bridge, and thence in a direct line to the place of beginning, either directly or indirectly, sell and deliver any gunpowder, or have, store or keep any quantity of gunpowder, greater than one pound weight, without having obtained a license for that purpose from said Court of Common Council, in the manner herein prescribed. [See Chapter II, Sec. 1.]

License to sell gunpowder necessary.

Provided, That nothing in this By-Law contained, shall be construed to prevent any person or persons from having or keeping in his or their possession, a greater quantity of powder than one pound weight during any military occasion or public celebration, while acting under any military commander, and in obedience to his orders, or under permission

Proviso.

* Now Elm street.

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and authority therefor, first had and obtained of the Mayor or some one of the Aldermen of said city.

Transportation of powder in day-time allowed.

Provided also, That any person or persons purchasing gunpowder, shall be allowed, between the rising and setting of the sun, sufficient time to transport the same from any place without said limits, through said limits to any place without the same, provided that no greater quantity than one hundred pounds shall be transported at any one time in any one vehicle.

License allowed by Common Council.

2d. The Court of Common Council aforesaid, shall have power, on application to them made, to grant and give any meet person or persons a license to sell gunpowder, and for that purpose to have, store, and keep gunpowder in quantity not exceeding at any one time seven pounds' weight, and that well secured in a tin cannister or cannisters, and at such place or places within said limits, and for such a term of time, not exceeding one year, as said Court shall deem fit; which license shall be signed by the Clerk of said Court, and shall be in the form following, to wit, viz:

Form of License.

Whereas the Mayor, Aldermen, and Common Council of the city of New Haven, in Court of Common Council convened, have approved of ———, as a suitable and proper person to keep, store, and sell gunpowder within the city of New Haven: We do therefore give license to said ———, to sell gunpowder at (describe the place) and for the purpose aforesaid, to have, keep, and store in said building any quantity of gunpowder not exceeding at any one time seven pounds' weight, until the —— day of ——.

Dated, Signed per order,

A. B., *Clerk.*

Clerk's fee.

For which license the person receiving the same shall pay the City Clerk twenty-five cents; and the same shall be by

License recorded

said Clerk recorded at full length. And before any license shall be given as aforesaid, the person or persons receiving

Five dollars per annum to be paid city.

the same shall pay to the Clerk aforementioned, for the use of said city, a sum after the rate of five dollars per annum.

Signs to be put upon the buildings licensed for gunpowder.

3d. Before any person or persons shall proceed to sell or to store or keep gunpowder by virtue of any such license so given as aforesaid, such person or persons shall put in a conspicuous place upon the front part of the building in which such powder is to be stored or sold, a sign, with the following words plainly and legibly inscribed thereon, viz: "Licensed

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to keep Powder," and shall continue the same during the time he shall keep, store, or sell gunpowder in said building.

4th. That no person or persons shall put or receive or have any quantity of gunpowder on board of any steamboat, for transportation therein in any of the waters within the limits of said city. Transportation of powder on board steamboats prohibited.

5th. That no owner or master of any steamboat or vessel having gunpowder on board shall remain in any river or harbor within the jurisdiction of this city, within half a mile of any building within said city, for more than twenty-four hours, under a penalty of one hundred dollars, and the same for each day's continuance. No steamboat or vessel with gunpowder shall remain in river or harbor. Penalty.

6th. If any person shall sell, keep, or store any gunpowder within the limits aforesaid, contrary to the true intent and spirit of this by-law, or without complying with all the prerequisites enjoined thereby; or if any person or persons shall put or receive, or have on board of any steamboat for transportation on any of the waters within the limits of said city, any quantity of gunpowder, such person or persons shall forfeit and pay the sum of thirty-four dollars, one-half to him who shall give information, and the other half to the use of the city. Thirty-four dollars penalty.

7th. All suits and actions grounded on this by-law shall be instituted and pursued by the Attorney for said city, and the sums received, exclusive of costs, shall be paid to the Treasurer of the Firemen's Benevolent Fund, for the use of the same. And the City Attorney, in addition to his regular fees, shall receive seven dollars, provided so much be received. City Attorney to prosecute.

CHAPTER II.

A By-Law in addition to a "By-Law relative to the Storage and Sale of Gunpowder."

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That the limits within which no person shall keep, store, or sell gunpowder, except as is provided for in the by-law to which this is an addition, shall be the following, viz: beginning at a point twenty rods south of the south-easternmost part of Union Wharf, and thence running in a direct line to the intersection of Howard Avenue and Putnam street, thence in a direct line to the Limits for sale of gunpowder.

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intersection of Samaritan* and West streets, thence in a direct line to the intersection of Whitney Avenue and Humphrey street, thence in a direct line to the north-east corner of the Railroad bridge over Mill River, thence in a direct line to the easternmost part of the Draw in Tomlinson's bridge, and thence in a direct line to the place of beginning.

Box for powder approved by Engineers.

SEC. 2. Every person licensed to keep and sell gunpowder in said city, shall provide himself with a good and sufficient chest or box of copper, tin, or other incombustible material, to the acceptance of two of the Engineers of the Fire Department, or two of the Committee of Inspection, which chest or box shall be made with a tight cover with hinges; shall be furnished with two strong handles, and marked legibly in front with the word "Gunpowder," and shall be kept in a conspicuous place in the store or building in which powder is so licensed to be sold, and as near as may be to the front door thereof. All gunpowder permitted to be kept on the premises shall be kept in the said chest or box, and no person shall be permitted to sell any gunpowder within the limits prescribed by this by-law, except between sunrise and sunset; and any person or persons who shall violate any of the provisions of this section, shall forfeit and pay a penalty of thirty-four dollars.

Sale between sunset and sunrise prohibited.

SEC. 3. Whenever any Engineer of the Fire Department [or either of the Committees of Inspection,] (Committee of Inspection abrogated, May 19th, 1862,) shall make oath before the Mayor of said city, that he suspects gunpowder is concealed, stored, or kept, contrary to the provisions of the city by-laws, on the premises of any person or persons situated within the limits prescribed by the first section of this by-law, or in any building thereon standing, the said Mayor shall thereupon, at his discretion, grant to such Engineer a warrant authorizing him to search the said premises, and any and all buildings thereon standing, for gunpowder so concealed, kept, or stored, at any time between the rising and the setting of the sun, within thirty days from the date of said warrant, and to require all necessary assistance for the purpose; and any person who shall resist, obstruct, or hinder such Engineer or Warden, or the person or persons assisting them in the discharge of such duty, shall forfeit and pay to and for the use of said city, a penalty of not less than twenty dollars, nor more than one hundred dollars.

Warrant of Mayor to search for powder.

Resistance.

Penalty.

SEC. 4. Whenever a penalty is recovered by the city for a breach of any of the provisions of this by-law, or the by-

* Now Elm street.

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law to which this is an addition; or the by-law relating to bonfires, or of any of the by-laws relating to the firing of arms, rockets, or fireworks, the burning out of chimneys, or for causing a false alarm of fire, the sums received, exclusive of costs, shall be paid to the Treasurer of the Firemen's Benevolent Fund, for the use of the same.

Certain penalties to be paid Treasurer of Firemen's Benevolent Fund

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CHAPTER III.

A By-Law Regulating Dangerous Trades and Manufactures within certain parts of the City of New Haven.

Restriction of the manufacture of explosive or highly inflammable articles.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That no person shall hereafter make or manufacture for himself, or as the servant or agent of others, within the limits defined in the first section of a by-law in relation to the storage and sale of Gunpowder, Chapter 1st, and Title XIII., of the City By-Laws, any Cartridges, Percussion Caps, Loaded Balls, Lucifer Matches, or other thing, in or about the making or manufacture of which Gunpowder, Fulminating Powder, Phosphorus, Sulphur, or any other highly inflammable combustible or explosive material shall be used, without a License from the Court of Common Council so to do. And no license shall be given or granted to make or manufacture any such articles as are above described, in any house or other building, unless said house or other building shall be situated at least forty feet from all dwelling houses within said limits.

Licenses.

Gunpowder, how kept for manufacturing.

SEC. 2. That no person licensed to make or manufacture any articles from Gunpowder, in whole or in part, shall have, keep, or allow in the house or other building in which said articles are made or manufactured, a greater quantity of Gunpowder, at any one time, than five pounds, the same to be in at least as many separate and well secured packages as there are pounds.

Licenses.

SEC. 3. That the Court of Common Council may from time to time, give and grant licenses for the making and manufacture of the various articles referred to in the first section of this by-law, upon such terms and for such periods of time as it may see fit to prescribe, subject to the foregoing restrictions.

Match factories.

Provided, however, that said Council shall be at liberty to license the manufacture of matches within a less distance than forty feet from any dwelling-house, if it see cause so to do.

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Penalties.

SEC. 4. That every person who shall violate any of the provisions of this by-law shall, for each and every violation, pay a penalty of not less than ten, nor more than three hundred dollars.

Passed in Court of Common Council, April 20, A. D. 1863.

TITLE XIV.—HORSES AND CATTLE.

CHAPTER I.

A By-Law for Restraining Horses and Cattle from going at large in the City of New Haven.

SEC. 1. [Repealed, May 27th, 1861.]

Impounder shall give notice to owner.

Replevy.

SEC. 2. *Be it further ordained*, That the impounder of any animal as aforesaid, shall, within twenty-four hours after impounding the same, give notice thereof to the owner or owners, if such owner or owners be known; and if such owner or owners shall not, within three days after he or they are notified thereof as aforesaid, either replevy or redeem such animal or animals, the same shall be sold at the sign-post in said city, at public auction, by one of the Sheriffs of said city, and the money arising by the sale, after deducting therefrom the forfeitures due by this law, and the reasonable expense of keeping and selling such animal or animals, which shall be ascertained and allowed by the Mayor or an Alderman, shall by such Sheriff be forthwith paid to the Treasurer of said city, to be by him kept for the use of such owner or owners, and by him paid over to such owner or owners when requested. And in case the owner of any animal or animals impounded as aforesaid, shall not be known, the impounder shall, within forty-eight hours after impounding the same, inform one of the Sheriffs of said city, who shall forthwith give notice of the impounding of the said animal or animals, with the natural and artificial marks thereof, by advertising the same in two or more of the newspapers printed in the city; and if no owner or owners appear within twenty days after crying the same as aforesaid, and replevy or redeem such animal or animals, by paying all the expense incurred, such Sheriff shall sell the same in manner above directed, and after deducting from the money for which such animal or animals sold, the whole expense, to be ascertained as aforesaid, shall pay the re-

Animals may be sold.

Sheriff to advertise.

Shall sell animals impounded.

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mainder to the Treasurer of the city, to be by him kept for the use of the owner or owners of the animal or animals sold, and to him or them paid, when required.

IN ADDITION, May 27th, 1861.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That no horse, horse kind, swine, bulls, cows, oxen, steers, or other cattle of any kind, shall be suffered to go or be at large within the city of New Haven; and whenever any of said animals shall go or be at large in said city, it shall be the duty of such persons as the Court of Common Council shall appoint for that purpose, and it shall be lawful for any person, to impound the same in any of the pounds of said city; and the poundage shall be fifty cents for each animal impounded, one-half of which shall be paid to the pound-keeper, and one-half to the person or persons impounding said animal. And no person shall be allowed to take any animal so impounded, as aforesaid, out of any pound in said city, until said poundage is paid, and not until, in addition thereto, there has been paid to the pound-keeper twenty-five cents a day for every day said animal shall remain in said pound, as a compensation for keeping and feeding said animal.

Horses, cattle, &c., prohibited being at large.

Impounding.

SEC. 2. That no animal mentioned in the foregoing section of this by-law shall be suffered, allowed, or permitted, by any person owning or having charge of the same, to pasture, graze, stand or lie in, upon, or along any part or portion of any street or highway within said city, upon either side of which there is, or shall be at the time, a pavement constructed either of brick or flag-stones; provided, however, that this section shall not apply to any animal or animals while in actual use as a team.

Not to pasture, &c., in streets where there is a sidewalk.

SEC. 3. That every person who shall violate any of the provisions of the second section of this by-law, either in person, or by his agent or servant, shall suffer, and pay into the city Treasury, a penalty of not less than one nor more than ten dollars for each violation, to be collected by the City Attorney.

Penalty.

SEC. 4. That no person shall drive to or from any pasture or other place of feeding, any animal or animals mentioned in the first section of this by-law, except as provided in the proviso attached to the second section hereof, on, upon, along, or through any street within said city, without first having obtained from the Court of Common Council a license so to do, which license shall be obtained on or before

Driving to and from pastures.

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the first day of July, 1861, and thereafter before the first day of May, in each year; and any person obtaining the same, shall pay to the City Clerk, by whom said license shall be signed, the sum of twenty-five cents. And any person violating the provisions of this section, shall pay a fine of not less than one dollar nor more than ten, to be collected by the City Attorney.

SEC. 5. That the first section of the by-law to which this is in addition, is hereby repealed.

IN ADDITION, AUGUST 3D, 1863.

A By-Law in addition to a By-Law entitled "A By-Law for restraining Horses and Cattle from going at large in the City of New Haven."

Resistance to impounding animals.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That if any person shall rescue any creatures liable, by force of any By-Law or By-Laws of the City, to be impounded, out of the hands or custody of any person or persons going to pound with the same, or shall attempt to prevent him or them from driving such creatures to pound, or shall resist him or them therein, or if

Breaking Pound.

any person shall break the pound in which such animals may be impounded, or in any way convey out of the same any of such creatures lawfully impounded, he shall for each and every such violation pay a penalty of not less than ten, nor more than thirty-four dollars.

Penalty for suffering certain animals to go at large.

SEC. 2. That every person who shall violate any of the provisions of the first Section of the By-Law in addition to the By-Law to which this By-Law is in addition, passed May 27th, A. D. 1861, shall for each and every such violation pay a fine of not less than one dollar nor more than ten.

Passed in Court of Common Council, August 3d, 1863.

TITLE XV.—INSPECTION OF MERCHANDISE.

CHAPTER I.

A By-Law for Inspecting sundry articles of Merchandise.

Inspectors chosen.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That there shall be chosen by said city, as occasion may require, inspectors of pot and

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pearl ash, inspectors and cullers of hoops, staves, heading, shaken and ready made casks, plank, unsawed timber, boards, clapboards, oars, shingles, and scantling, weighers of hay and straw, and inspectors and measurers of wheat, rye, Indian corn, and inspector of flour; all which officers shall be sworn to a faithful discharge of their respective offices, which oath shall be in the form following:—

Oath of Inspectors.

"*You* ———— *swear by the name of the everliving God, that you will well and faithfully perform the office and duty of* [here insert the office,] *within and for the city of New Haven, so long as you shall hold said office.* So help you God."

Certificate of Inspection.

And it shall be the duty of said officers, respectively, to give a certificate of the quality of all pot and pearl ash, hoops, staves, heading, shaken and ready made casks, planks, boards, clapboards, oars, shingles, timber and scantling, wheat, rye, Indian corn and flour, by them inspected. And every inspector of pot and pearl ash, and of flour, wheat, rye or Indian corn, shall provide for himself branding or marking irons, expressing the name of said city, and the quantity of every article by him inspected; and after inspecting any of said articles, shall brand or mark every hogshead, barrel or other cask, containing said articles so inspected, expressing thereon the quantity and quality of the same. And the fees of the several officers as aforesaid shall be as follows: for inspecting and weighing pot and pearl ash, per hundred weight, twelve cents; for inspecting and culling hoops, forty-two cents per thousand; for inspecting and culling staves and heading, thirty-four cents per thousand; for inspecting shingles, three cents per thousand; for inspecting boards, clapboards, plank and scantling, seventeen cents per thousand; for inspecting oars, thirteen cents per thousand; for inspecting and measuring wheat, rye and Indian corn, one cent per bushel; and for inspecting, branding and marking flour, two cents per barrel, and for inspecting unsawed timber, twelve cents per one hundred cubic feet.

Fees for Inspection.

And if any of the officers aforesaid, upon application and tender of the lawful fees, shall willfully and without just cause, neglect to inspect, weigh or measure any of the articles aforesaid, or, having inspected, weighed, or measured the same, shall refuse to give a certificate of the quantity or quality thereof, as required by this act, every person so offending shall, for every such offense or neglect of duty, forfeit and pay the sum of six dollars, one-half to the party aggrieved, who shall prosecute the same to effect, and the

Penalty for refusing to inspect.

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other half to the Treasurer of said city, and pay costs of prosecution.

Inspection of Wood, etc.

CHAPTER II.

A By-Law providing for the Inspection and Measurement of Wood exposed for sale in the City of New Haven.

Wood brought by water inspected.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That the Court of Common Council of said city shall, from time to time as occasion may require, appoint two or more reputable citizens of said city, admeasurers of wood which shall be brought by water and unladen within the limits of said city; and such admeasurers shall be sworn to a faithful discharge of their duties: and it shall be the duty of such admeasurers as shall be requested by the owner or purchaser thereof, without delay, to admeasure and divide into cords, or portions of one hundred and twenty-eight cubic feet, (making suitable allowance for all defects and want of stowage,) all wood which shall so be brought and unladen within said city, and to give a certificate thereof under his hand to the owner or owners: and he shall be entitled to receive as his fees, of such owner or owners, six cents for each cord by him so admeasured and divided; and in case any person or persons shall sell or expose to sale any wood so brought and unladen, until the same shall have been so admeasured and divided, he or they shall for each offense forfeit and pay ten dollars to and for the use of said city.

Fees for Inspection.

Penalty.

Persons not appointed, prohibited inspecting.

Penalty.

Fee.

Sec. 2. If any person shall, within the limits of this city, presume to act as a Weigher of Hay or Straw, or Measurer of Wood, or Sealer of Weights and Measures, while he has no appointment to the office which he takes upon himself to execute, such person shall, for each offense, forfeit to and for the use of said city, ten dollars. And each Weigher of Hay or Straw, shall be entitled to receive twenty-five cents for weighing each load of hay and the cart, and no more.

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TITLE XVI.—JURORS.

A By-Law regarding Jurors summoned to attend the City Courts.

Be it ordained by the Court of Common Council of the City of New Haven, That if any Juryman chosen, drawn, and summoned to attend any City Court, hereafter to be held in the City of New Haven, agreeably to the act of Incorporation of said city, shall make default of appearance, according to the direction of the summons, which shall have been duly served upon him, and returned to Court, he shall forfeit and pay to the Treasurer of said city, and for the use of said city, the sum of five dollars, unless, on cause shown, the Courts shall excuse him therefrom. Jurors not attending court fined.

Be it further ordained, That it shall be the duty of the City Attorney to prosecute for, and recover, (in any proper action,) all penalties and forfeitures under this by-law. City Attorney to prosecute.

TITLE XVII.—LAMPS.

A By-Law relative to Public Lamps.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That if any person or persons shall willfully and maliciously cut, break, injure, deface, or destroy any lamp whatsoever, or lantern containing the same, or the post, or frame on which the same may be placed; or shall in like manner without proper authority, light any of the public gas lamps or lights, or any other public light; or when lighted shall in like manner extinguish the same without proper authority, or shall willfully and maliciously break, remove, or injure in any manner, a public lamp or gas light post, service pipe, gas pipe, stop-cock, lantern, or burner connected with such lamp or gas light post, or in any manner aid in so doing, (provided such lamp or gas light post has been, or shall be erected in or upon any street, sidewalk or square in said city, and is or shall be of public benefit;) such person or persons so offending, shall forfeit and pay to the Treasurer of said city, a fine not exceeding thirty-four dollars for each offense, to be recovered in any proper action under this by-law; and in case the offender be a minor or an apprentice, the parent, master, or Injuring lamps. Lighting or extinguishing. Injuring gas lamps, &c. Thirty-four dollars fine.

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guardian, shall pay and satisfy the penalty and cost for such offense, and judgment be rendered accordingly.

Erection of, regulated.

SEC. 2. That no public lamps are to be erected within the limits of the city, except such as are ordered or allowed by the Court of Common Council.

TITLE XVIII.—CITY MEETINGS, ETC.

A By-Law relative to Warning Meetings of the City and Ward Meetings, and Meetings of the Court of Council.

Mayor shall direct Sheriff to warn annual meeting.

SEC 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That the Mayor, or during his absence or inability to act, the senior Alderman present in the city, shall issue an order under his hand, directed to either of the Sheriffs of said city, requiring him to warn the annual meeting of said city, at the time prescribed in the charter for the annual meeting of said city; and the Mayor, or in his absence, the senior Alderman present shall, in like manner issue an order, whenever he shall deem it proper to call a special city meeting, or a special ward meeting, in accordance with the provisions of the charter; and the Sheriff to whom any such order may be directed, shall cause a certified copy thereof to be published in two or more newspapers in said city, and posted upon the public sign-post in said city, at least five days before the time prescribed in the order for such meeting.

May call special city meetings.

Mayor, or in his absence, senior alderman may call special meetings of council.

SEC. 2. The Mayor, or during his absence or inability to act, the senior Alderman present in said city, whenever there is a stated meeting of the Court of Common Council to be held, or whenever he may deem it proper to call a special meeting of said Court of Common Council, may issue his order, directed to either of the Sheriffs of said city, requiring him to warn the members of the Common Council of such meeting; and the Sheriff shall give notice to each member thereof, by leaving an attested copy of such order at the usual place of residence of each member of said Court of Common Council, (unless the same notice be personally given,) at least six hours previous to the time prescribed in the order for such meeting.

Sheriff to give notice.

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TITLE XIX.—Nuisances.

A By-Law to Prevent Nuisances.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That no person or persons shall lay or continue in or upon any flat, slip, quay, dock, or public landing place within said city, any stone, wood, timber, or lumber of any kind, to the annoyance, obstruction, encroachment or incumbrance of such flat, slip, quay, dock, or landing place, for any longer time than four days, on penalty of three dollars for every twenty-four hours such nuisance is continued after the expiration of said four days; which penalty shall belong, one-half to any person who shall sue for and prosecute the same to effect, and the other half to the Treasury of said city.

Nuisances on landings, docks, &c.

Penalty.

Sec. 2. That hereafter no house, store, barn or building, shall be kept or used as a slaughter house for the purpose of butchering, or killing, or dressing therein any bulls, cows, heifers, oxen, steers, bullocks, calves, sheep or swine for market, sale, or exportation, within the city limits, except in that portion of the city lying west of a line beginning at the intersection of the New York and New Haven Railroad with the city limits at West River, thence in a straight line, to the intertection of West Chapel and West streets, thence through West street to Whalley Avenue, and thence northerly in a line parallel with Punderson street to the city limits; and every house, store, barn, or building, so kept or used within said limits, except as aforesaid, shall be deemed a nuisance.

Slaughter houses prohibited within certain limits.

And any person or persons, who shall keep or use any house, store, barn, or building, as a slaughter house, contrary to the form and force of this law, shall, for each week in or during which he, she, or they shall so keep or use the same, forfeit and pay the sum of twenty-five dollars.

Penalty.

And be it further ordained by the authority aforesaid, That no person or persons shall butcher or kill any bulls, cows, heifers, oxen, steers, bullocks, calves, sheep, or swine, within the limits aforesaid, except for his own, or his family's private use, on pain of forfeiting and paying for every such offense the sum of twenty-five dollars.

Butchering, except for private use.

And be it further ordained by the authority aforesaid, That no house or building which hath not heretofore been used or improved for the purpose of tanning or dressing leather or skins, or in the trade and mystery of tanning or dressing leather or skins, shall hereafter be used and im-

Tanning or dressing leather without license.

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proved in said city for such purpose, without a written license first had and obtained from the Court of Common Council of said city; and such license shall be signed by the Mayor, or in his absence by the senior Alderman present, and registered by the Clerk of said city; nor shall any new tan-vats, or place to dress in, hereafter be set up, made or used in said city, without a license first obtained, signed and registered as aforesaid. And every house or building, or tan-vat, or place to tan or dress in, set up, made, used or improved, contrary to the true intent and meaning of this law, shall be deemed a nuisance; and whatever person or persons shall use or improve any house or building, or set up, make and use any tan-vat or place to tan or dress in, contrary to the form and force of this by-law, shall, for each week in or during which he, she, or they use or improve such house, building, tan-vat, or place, forfeit and pay twenty-five dollars.

No new tan-vats to be set up, except.

Such tan vat, &c. a nuisance.

Penalty.

And be it further ordained by the authority aforesaid, That no necessary house shall be erected or suffered to continue or remain within said city, without a suitable and convenient vault under the same, excepting such house as shall be placed over some creek and shore in said city, where the same will at all seasons of the year be daily and effectually cleansed and purified by the ebbing and flowing of the tide.

Necessary house nuisance, when.

And every necessary house erected, continued, or suffered to remain in said city, contrary to the true intent and meaning of this law, shall be deemed a nuisance; and whatever person or persons shall erect, continue, or suffer to remain on his, her, or their lands, any necessary house contrary to the form, force, and effect of this law, shall, for each week during which such necessary house shall be so suffered to remain and continue, forfeit and pay three dollars.

Penalty.

And be it further ordained by the authority aforesaid, That whatever person or persons shall lay, leave or place any putrid fish, clams, or oysters, or offal or dressing of fish, or any putrid animal or vegetable substance, likely and liable to putrify, in or upon any wharf, creek, shore, or street of said city, or in the waters in said city, within forty rods of such wharf or shore, or in or near any place improved for tanning or dressing of leather or skins, or in any other part or place in said city, within thirty rods of any street, store, or dwelling-house, without sufficiently burying and securing the same in the earth, in such manner that no stench or contagion or contamination of the atmosphere can arise therefrom, shall, for every such offense forfeit and pay

Offensive nuisances on wharves, &c., forbidden.

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a sum not exceeding ten dollars, at the discretion of the court before which conviction shall be had. Penalty.

And be it further ordained by the authority aforesaid, That no person whatever shall lay or continue in the streets of said city, or any of them, or on the public squares, or greens, any wood, timber, stone, or lumber, of any kind, or any fence or other thing whatever, to the annoyance, obstruction, or encroachment, or incumbrance, of said streets or squares, on penalty of three dollars for every twenty-four hours the nuisance is continued. Wood, timber, stone, &c., on highway or squares, prohibited. Penalty.

Provided, nevertheless, That nothing in this law shall be construed to hinder any persons from laying timber, or other materials for building or repairing ships or other vessels, or water-craft, in the ship-yards in said city; or materials for building or repairing any house or other building, in the course of carrying on such building, provided such persons obtain a license therefor, under the hands of the Mayor and Aldermen of the said city, or any two of them, due care being taken that the passing in said streets be not incommoded thereby, more than is necessary. Proviso. Materials for building and repairing not to incommode travel.

Sec. 3. That the keeping of swine in a sty, pen, or other close, in said city, in such a manner as directly or indirectly to become offensive by disagreeable effluvia arising from said sty, pen, or close, to any person or persons residing in the neighborhood of the same, or passing the same in any street or highway in said city; the casting of filth, pieces of twine, ashes or cinders, bones, lobster shells, decayed fruit, vegetable or animal matter, or rubbish of any kind in or upon any street, side-walk, highway, court or open space, green or public square in said city; any dung, filth, manure, offal, wash, dirty water or brine, or any rubbish accumulated in any barn, stable-yard, dwelling-house, or out-house, or inclosure, so as to be offensive; any privy or necessary house now set up, or hereafter to be set up in said city, without having a vault made, and the same sunk in the earth the depth of six feet if practicable, and of the width of said privy, or necessary house; the having such vault remaining at any time more than three-quarters full; any slaughter house which may become offensive to any person or persons residing in the neighborhood thereof, or passing the same, by reason of any stench or disagreeable odor, or by the noise of any animals confined therein, or being in any pen or inclosure attached to the same; the dressing or cleaning of fish, birds, poultry, or animals of any kind in or upon any public or private landing place or places, or any of the wharves or bridges, or on the margin of any basin or cove, Keeping swine in pens in city regulated. Filth cast into streets, prohibited. Rubbish, offal, wash, brine, &c., not to be cast into streets. Privy vaults six feet deep. Slaughter houses offensive. Dressing fish, &c

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or on any Railroad track within said city, or in any of the public highways or streets of said city, or upon the banks or margins of the Mill River, south of the Neck Bridge, or upon the banks or margins of the harbor, except beyond low water mark; bathing naked at any place in said city not designated by the Mayor and Aldermen for the purpose of bathing in such manner; fastening horses or cattle to any shade tree, or placing or leaving them so that they injure the bark or the tree in any way; the placing or leaving any horse or horse kind, or any horse and carriage, or horses and carriages, before the door or gate of any dwelling house or yard, except for the purpose of receiving passengers about to come from such house or gate, or of delivering persons about to go to such house; or the placing or leaving any cart with oxen or horses or horse kind before any such door or gate, in the manner described, or for the purpose of receiving or delivering a load at such door or gate, without permission of the occupant of such house or yard; the stopping of any horse and carriage, or horses and carriage, or horses and carriages, or any cart, wagon, or other vehicle drawn by oxen, by horse, horses, or horse kind, or leaving or permitting them to stand upon any cross-walk in said city; suffering wash or dirty water to pass from yards or houses into the streets, or throwing or permitting the same to be thrown into the streets, or throwing brine into any street; or flying kites, or playing with fire-balls or fire-works upon any of the public squares, or in any populous street within said city, without permission of the Mayor and Aldermen; the making of any noise in the streets by out-cry, singing or otherwise; shall each and every of said acts, when done, be deemed a nuisance: and the person or persons doing or procuring such nuisance to be done, shall forfeit and pay ten dollars, to be recovered in any action of debt brought by the City Attorney in the name of the Treasurer of said city; and the City Attorney upon recovering, in every case so brought, shall be allowed a fee of three dollars in addition to his usual cost, out of the amount recovered, if so much be recovered.

Bathing naked, prohibited.

Fastening horses or cattle to shade trees before doors.

Leaving horses, &c., standing on cross-walks.

Wash and dirty water.

Flying kites.

Fireworks.

Making noise in streets.

Penalty.

Be it further ordained, That a committee shall be appointed to cause this by-law to be enforced. They or any two of them are hereby empowered, peaceably, in the day time, to visit all places where they have any reasonable grounds to believe, that any nuisance above or hereinafter mentioned exists, and to cause the same to be removed or discontinued at the expense of the person or persons who may have caused or permitted the same; such cost and expense, together with three dollars per day to each committee

Committee on Nuisance to inspect places.

Remove nuisances.

Cost, and Compensation of Committee.

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man employed for every day or part of a day, if they are not occupied the whole day, shall be recovered by action to be brought by them, for making such removal, before any court in said city proper to try the same; and if the person or persons against whom said action is brought be not able to pay the damages awarded, then the expense of removing said nuisance, and the cost incurred by said committee in prosecuting said action, shall be paid out of tne city Treasury. And one of said committee may at any time remove any nuisance from the streets, and the expense of said removal shall be paid out of the city Treasury, and the person or persons who caused or permitted the same, shall be liable to repay the amount of the same within two days after being required to do so, by any one of said committee; and in default, he or they shall be sued therefor in any proper action by the City Attorney. And in addition to such expense to be sued for by the City Attorney, the person or persons committing or permitting such nuisance, shall, upon being convicted thereof, be liable, in addition to the penalty named in the first section of this by-law, to pay to the committee man who may have removed such nuisance, the sum of three dollars, to be recovered in an action of debt before any proper court.

Expenses of removing nuisances, how recovered.

Any one of committee may remove nuisance.

Additional penalty.

SEC. 4. *Be it further ordained*, That any person or persons, being the owner or owners of any animal which shall die, or be killed, who shall leave or cause to be left unburied the body of any dead animal within the limits of said city, or throw, or cause to be thrown, the same into the waters of said city, shall, for every such offense, forfeit and pay thirty-four dollars; one half to the person who shall cause a prosecution therefor to be brought, and the other half for the benefit of said city, and said prosecution may be brought by the City Attorney in any proper action, or by any person, on this by-law, in his own name. When the suit is brought by the City Attorney, the penalty shall be divided as aforesaid; when it is brought by an individual as an action of debt, the whole penalty shall go to the plaintiff, and both the person or persons causing the act to be done by bringing another to take away such body, or otherwise, without obliging him to bury it at least five feet in the earth, as well as the person or persons doing such act, shall be severally liable to pay as aforesaid each of them so concerned directly or indirectly, the sum of seventeen dollars, and they may prosecute jointly or severally.

Dead animals left unburied in city, prohibited.

Penalty.

City Attorney may sue.

The City Attorney, for every conviction in such case, shall be allowed seven dollars, in addition to his usual cost, to be paid out of the amount recovered, if so much be recovered.

Fees of City Attorney.

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Scavengers appointed.

SEC. 5. *Be it further ordained*, That the Mayor, Aldermen, and Common Council, may cause a scavenger or scavengers to be appointed and paid for cleaning the streets and removing filth and rubbish from the city, and may dispose of all the filth, rubbish, and manure which may be collected by said scavenger or scavengers, by allowing him or them to retain the same as a compensation in whole or in part for the services rendered.

No person to collect manure without permission.

And no person shall be allowed to collect manure from the streets of said city, unless by consent of said Council, or the Committee on Nuisances by them appointed, under penalty of five dollars for every cart load or part of a load so collected.

Penalty.

What is a disorderly house.

SEC. 6. *Be it further ordained*, That any house the occupant of which shall permit any number of persons to assemble therein at any time, and by tumultuous conduct, or by quarreling or by fighting, or by excessive and undue noise of any kind, disturb the peace and quiet of any of his or her neighbors, shall be deemed a disorderly house and a nuisance.

Penalty.

Fees of City Attorney.

And for every such act, such occupant shall be prosecuted for a nuisance, and shall, upon conviction of every such offense, forfeit and pay the sum of thirty-four dollars; and the City Attorney shall be allowed seven dollars out of the amount recovered, in addition to his usual fees, if so much be recovered.

Team, &c., without driver.

SEC. 7. *Be it further ordained*, That if any cart and team, or any horse and truck, or horse and cart, or horse and carriage, or horses and carriages of any kind, shall be found moving along any street in said city without having a driver so near as to exercise immediate control over the same, the owner or owners thereof shall forfeit and pay to the Treasurer of said city, for the use of said city, a fine of five dollars.

Penalty.

No cart, &c., to be left in street.

SEC. 8. *Be it further ordained*, That no cart, car, dray, truck or other carriage, shall be left in any street in said city, unless while in use and attached to a horse, horses, or cattle, and any person offending by leaving the same in such manner, shall, for every offense, forfeit and pay the sum of five dollars.

Penalty.

Lamp to be placed in night on buildings being erected or removed.

SEC. 9. *Be it further ordained*, That when any lumber, brick, mortar, or other materials used in building shall necessarily be left out over night in any of the streets of said city, the owner thereof shall place over or near it, in some conspicuous place, a large well lighted lamp or lantern, which shall be continued burning the whole night, from night to night, until such lumber, &c. shall have been entirely removed; and for every neglect so to place and continue said lamp,

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he shall forfeit and pay ten dollars per night for every night when said lamp shall not be found burning and continued burning during the whole night. The owner or owners of every lot upon which any building is being erected, if said building is to be on the line of any street, or within eight feet thereof, and the owner or owners of any building which is being removed, shall each night, while said building is going up or removing, and until the cellarway and doors are completed, and said building is removed, keep a large lamp lighted on or opposite the same, in a conspicuous place; and for every neglect, he, she or they shall forfeit and pay ten dollars.

Penalty for neglect.

SEC. 10. *Be it further ordained*, That the erecting or setting up of any house, shop or building of any kind, or any part thereof, upon any highway or street, the setting up of any gates, bars, rails or fence upon or across said highway or street, the making of any bridge or hole therein, the filling up of any canal, or of any drain or gutter made by authority; the obstructing or altering the course of any run of water in said highway or street; the laying of any heap or heaps of firewood, timber, planks, boards, shingles, hoops, staves, rails, fencing stuff, coal, box or boxes, any cask, barrel, hogshead, stove, iron, iron casting, lumber or rubbish, any pile or piles of brick or stone, or any stone or brick, in and upon said highway or street, or on the sidewalks in said city; or the hanging out of goods or signs to incommode passengers; the placing of hacks, carts or other carriages while in use, more than one deep from the sidewalk in any street in said city, or drawing up the same or permitting them to stand in any other manner than lengthwise with the line of the sidewalk; the continuing steps or cellarways that incommode passengers on the sidewalk, after having been notified, by the committee appointed, to remove the same, and the putting of any other incumbrance or obstruction in, over, or upon said highway, street, or sidewalk, whereby the traveling or passing thereon shall be obstructed or rendered inconvenient, shall each and every of said acts be deemed a nuisance; and the person or persons who shall erect or set up any house or shop or building of any kind, or any part of such house, shop, or building, in and upon the highways or streets of said city as aforesaid, shall, for each such offense, forfeit and pay thirty-four dollars to the Treasurer of the city; and any person or persons who shall do any other act in this section declared to be a nuisance, shall incur a penalty of ten dollars to the Treasury of the City.

Obstructions to streets, &c.

Erecting buildings on streets.

Penalties.

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Resisting Nuisance Committee.

SEC. 11. *Be it further ordained*, That any person or persons who shall resist, hinder, traduce, or abuse any of the Committee on Nuisances, while discharging any of the duties assigned said Committee by this by-law, or who shall in any way prevent them, or any of them, from discharging any of said duties, shall, for every such offense, forfeit and pay the sum of thirty-four dollars.

Penalty.

Duty of Nuisance Committee may be discharged by Sheriffs.

SEC. 12. *Be it further ordained*, That the same duties herein assigned to the Committee on Nuisances, may be discharged by any one of the City Sheriffs of said city, who shall have the same powers in performing said duties as are granted to said Committee, and any person resisting them in the discharge of any of said duties shall be liable to the same penalty as is above provided for resisting said Committee.

Injuring buildings, inclosures, or trees.

SEC. 13. *Be it further ordained*, That if any person or persons shall wantonly injure or deface any public or private building, or the inclosure of the same, or any fence belonging to the public, or any tree within the limits of said city, or shall be found striking on the same so as to make a noise, such person shall, for every such offense, forfeit ten dollars. And if such act be done with force or violence, such person or persons may be arrested by any watchman or special constable of said city, without warrant, and dealt with as for a breach of peace.

Penalty

If done with force, arrest may be made without warrant.

Driving horses fast in the streets prohibited.

SEC. 14. *Be it further ordained*, That the driving of any horse and carriage, or horses and carriage, or horse or horses attached to any vehicle, or the riding of any horse through any street or roadway in said city, in any gait faster than an ordinary trot, shall be deemed a nuisance; and any person so offending shall, for every such act, forfeit and pay a penalty of not less than five nor more than fifty dollars, to and for the use of said city.

Penalty.

False alarm of fire, &c.

SEC. 15. *Be it further ordained*, That if any person shall knowingly give a false alarm of fire in said city, or shall aid or assist in making a false alarm of fire, or shall knowingly proclaim that any fire is extinguished or out, when it is not, such person shall forfeit and pay to the Treasurer of said city, for the use of the same, twenty dollars; and if any person shall give a false alarm for the watch, or shall falsely represent himself as a watchman, said person shall, for every such offense, forfeit and pay a fine of twenty dollars; and if taken in the act or on immediate pursuit, such person may be arrested by any watchman or special constable of said city without a warrant, and detained until a prosecution can be commenced against him.

Penalty

Penalty for personating watchman, &c.

Arrest may be made without warrant.

SEC. 16. *Be it further ordained*, That the Mayor and

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Aldermen shall, on application, prescribe what portion of any street may be occupied for building materials, while any house or barn or other building is being erected, and grant a permit therefor, specifying the time it shall be so occupied. Mayor, &c., may prescribe what portion of streets may be occupied for building materials.

SEC. 17. *Be it further ordained*, That no owner or occupier of any land or building in this city, shall at any time remove, or permit to be removed, from or off his premises, the contents of any vault, necessary, or privy, thereon situated, except in the night season, and between the first day of December in each year, and the 15th of March then next succeeding.* Contents of vaults not to be removed, except in the night.

SEC. 18. *Be it further ordained*, That the contents of any vault, necessary or privy, in this city, shall not be taken therefrom, or carried through, any street in said city, in the day time, or at any season of the year except between the first day of December in each year, and the fifteenth day of March then next succeeding, and between the hours of ten o'clock P. M and four A. M. When conveyed.

SEC. 19. *Be it further ordained*, Whenever the contents of any vault, necessary, or privy, shall be carted through the streets of said city, the same shall be removed in a tight covered box. Contents conveyed in covered box.

SEC. 20. *Be it further ordained*, No person shall deposit the contents of any vault, necessary or privy, when removed, in any open field, or highway, or other place within the limits of said city, without entirely covering the same with earth, and mixing therewith a sufficient quantity of lime to destroy the effluvia arising therefrom; nor shall any person owning such land, permit any such contents to be placed on his land, unless in the manner aforesaid. Contents covered with earth and lime.

SEC. 21. *Be it further ordained*, Whenever the contents of any vault, necessary, or privy, shall be removed contrary to any of the provisions of the foregoing sections of this By-Law, the owner or occupier of the premises on which the vault, necessary or privy may be situated, from which such contents may have been removed, shall be liable for the penalty hereinafter provided for any such offense, in the same manner as if such offense had been committed by him or herself. Penalty.

SEC. 22. *Be it further ordained*, Any person offending against any of the provisions of Sections 18, 19, 20 or 21 of this By-Law, shall forfeit and pay to the Treasurer of this city, the sum of twenty dollars; and the City Attorney shall prosecute such offense, and shall be allowed seven dollars Penalty. City Attorney to prosecute. Fees.

* See additional By-Law, Chap. V.

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when recovered and collected, to be paid to him out of the City Treasury, in addition to his usual fees.

Exceptions.

SEC. 23. *Provided, however*, That any person or persons may remove the contents of any vault, necessary or privy, in the day time between the first of December and the fifteenth day of March, permission therefor being first obtained in writing from the Mayor and any two of the Aldermen. And provided, further, that if in the erection of any building it shall beeome necessary to remove the contents of any vault, &c., the same may be done in the night season at any time of the year, upon permission in writing being given by the Mayor and any two Aldermen.

Erecting signs, &c., over side-walks.

SEC. 24. *Be it further ordained* That the erecting, placing or continuing any sign, signs or show bills on or over any paved or flagged sidewalk, within said city, or the placing or exhibiting any goods, wares or merchandise, for show or sale, on or over any paved or flagged side-walk within said city at a greater distance than one-third of the width of said side-walk, or in any case at a greater distance than three feet from the line of the street, shall each and every of said acts when done be deemed a nuisance, and the same may be removed and abated by any person or persons; and the person or persons doing or procuring such nuisance to be done, shall forfeit and pay to the Treasurer of said city, for the use of said city, the sum of ten dollars.

Penalty.

Swine kept in pens.

SEC. 25. *Be it further ordained*, That the keeping of one or more swine in a sty, pen or other close in said city, in such a manner as directly or indirectly to become offensive by the effluvia arising from such sty, pen or close, to any person or persons residing in the neighborhood of the same, or passing the same in any street or highway within said city, shall be deemed a nuisance; and the person or persons procuring such nuisance to be done, shall forfeit and pay to the Treasurer of said city, for the use of the same, the sum of ten dollars.

Penalty.

Horses, &c., at large on public squares.

SEC. 26. *Be it further ordained*, That if any horse or horse kind, cattle, cows, sheep, or swine, or any one animal of either kind shall be found on either of the public squares of said city, the owner or owners thereof shall forfeit and pay to the Treasurer of said city, for the use of the same, the sum of five dollars.

Penalty.

Stands, with wagons, &c., for selling fish, &c., prohibited in streets.

SEC. 27. *Be it further ordained*, That no person or persons shall make a stand in any street, or at any place in any street in said city, and in front of or against any paved or flagged sidewalk, with a wagon, wheel-barrow, or other vehicle, for the purpose of selling fish, oysters, clams, fruit,

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or other articles; and any person so offending shall forfeit and pay to the Treasurer of said city, for the use of said city, a penalty of ten dollars. Penalty.

Sec. 28. *Be it further ordained*, That whenever any person shall have become liable to a fine for the breach of any of the by-laws of said city, or when proceedings shall have been had against any person or persons for the breach of any of the by-laws of said city, such person or persons may, before trial, pay to the Attorney for said city, the penalty for which such proceedings were instituted, and the costs of the same, and on the receipt thereof the City Attorney may discontinue such proceedings. Delinquent may pay fine without trial.

Sec. 29. *Be it further ordained*, That the Mayor and Aldermen of said city be, and they are, hereby authorized and empowered in any case where a penalty is or may be recovered for a violation of any of the by-laws of said city, to remit such penalty, or such portion thereof as shall in their discretion seem expedient. *Provided*, that nothing in this section shall be so construed as to affect the costs which may have been created in any case by proceedings instituted by the proper authority for the recovery of such penalty. Mayor and Aldermen may remit penalties. Proviso.

Sec. 30. *Be it further ordained*, That all forfeitures incurred by virtue of this law, or any part thereof, except where otherwise provided, shall be and accrue to the use and benefit of said city, and shall be recoverable by action of debt in the name of the Treasurer of said city, in any court in said city proper to hear and try the same. And whenever any minor, apprentice or servant shall be guilty of any breach of this by-law, the parent, guardian or master of such minor, apprentice or servant, shall be liable to pay the forfeiture or forfeitures incurred; and the same shall be recoverable of such parent, guardian or master, by action of debt brought on this law in manner aforesaid. Penalties recoverable out of parent, guardian or master.

CHAPTER II.—Piling Lumber.

Be it ordained by the Court of Common Council of the City of New Haven, That no person or persons shall hereafter pile, or cause to be piled, any boards, timber, shingles, lath, or other lumber, within the limits of this city, in the vicinity of any dwelling house, at any less distance at the nearest point to such dwelling house than, at the least, double the distance of the height of such pile above the ground, on penalty of twenty dollars; nor shall any person or persons Piling of lumber regulated. Penalty.

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continue any such pile of boards or other lumber now existing or hereafter made, after the first day of May, 1858, on penalty of twenty dollars for every week such pile shall be continued contrary to the intent and meaning of this by-law.

CHAPTER III.—White Fish.

A By-Law to prevent Nuisances from the carting of White Fish through the City.

White Fish not to be transported through the city without a permit.

Be it ordained by the Court of Common Council of the City of New Haven, That every person who shall convey, or cause to be conveyed in any wagon, cart or other vehicle, any load or parcel of white fish, through any street, or portion of a street of the City of New Haven, without a written license first obtained, specifying the street or streets through which such white fish may be conveyed, signed by the Mayor or, in his absence or if the office is vacant, by the senior Alderman of the city, which licenses said officers are hereby authorized to give, shall be deemed guilty of a common nuisance, and shall forfeit and pay to the Treasurer of the city twenty dollars. And the City Attorney shall prosecute any violation of this by-law which shall come to his knowledge, and shall be allowed one-quarter of such penalty, when recovered and collected, to be paid to him out of the City Treasury, in addition to his usual fees.

Penalty.

City Attorney to have one-fourth of penalty recovered.

CHAPTER IV.—Guano.

A By-Law in addition to a By-Law relating to Nuisances.

Guano kept so as to be offensive, a nuisance.

Be it ordained by the Court of Common Council of the City of New Haven, That the keeping of guano or other fertilizing substances within the limits of the City of New Haven, for any purposes whatever, in such a manner as directly or indirectly to become offensive by the effluvia arising therefrom to any person or persons residing in the neighborhood of the same, shall be deemed a nuisance, and the person or persons procuring such nuisance to be done, shall forfeit and pay to the Treasurer of said city, for the use of the same, the sum of ten dollars for each offense.

Penalty

Passed in Common Council, August 1, A. D. 1859.

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CHAPTER V.—VAULTS.

A By-Law to regulate the Transportation of the Contents of Vaults or Privies.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven,* Every person who shall engage in the business of removing the contents of vaults, necessaries or privies, in this city, when said contents are to be carried through any street, court, or other public road or place, shall, before entering upon said business, procure a license so to do from the Court of Common Council. License necessary to remove contents of vaults or privies.

SEC. 2. The fee to be paid for a license to engage in said business shall be, in all cases, twenty-five dollars, payable into the City Treasury before said license shall be issued. Fee.

SEC. 3. Said license shall be signed by the Mayor and a majority of the Committee on Licenses, shall be duly numbered and recorded by the City Clerk, and shall be revokable at the pleasure of the Mayor and Aldermen. License, how issued.

SEC. 4. It shall be, and is hereby made, the duty of every person engaging in said business, to procure and use therein suitable conveyances for the carriage of said contents, with water-tight tanks or boxes and close fitting lids or covers. And no person shall use in said business any conveyance until the same has been examined or approved for such use by the Mayor, who shall keep a record of the fact and time of such approval, in connection with the name of the person who is to use the same, and the number of his license, in a book to be kept by him for that purpose at his office. Contents of vaults, etc., how transported. Conveyance to be approved.

It shall be, and is hereby made, the duty of every person who shall engage in the business aforesaid, to place and keep upon some conspicuous part of any conveyance, tank or box used by him in said business, in large figures and letters, the number of his license, his own name, and the fact of the approval of said conveyance by the Mayor. Name and number, how displayed.

SEC. 6. Every person who shall have complied with the foregoing provisions of this By-Law, may engage in said business during the portion of the year now prescribed by law, and may, during said period, engage in said business from the hour of nine o'clock in the evening until five o'clock in the morning of each secular day, except that the Mayor may whenever, and in such locations as he shall judge proper, order that such business shall not be commenced earlier than ten nor be continued later than four o'clock. Hours of labor.

SEC. 7. Every person who shall violate any of the provisions of this By-Law, shall for each and every violation, forfeit and pay a penalty of twenty-five dollars. Penalty.

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Repealing clause.

SEC. 8. The By-Law entitled "A By-Law to regulate the transportation of the contents of Vaults and Privies," passed Sept. 19, A. D. 1859, and all parts of any By-Law inconsistent herewith, are hereby repealed, except as to offenses against the same already committed.

Passed in Common Council, July 3, A. D. 1865.

CHAPTER VI.—GAS WORKS.

A By-Law relating to Gas Works or Gas Reservoirs.

Gas works corrupting water or polluting air in the city, a nuisance.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, If any person, persons or corporation, shall hereafter erect and maintain any gas works or gas reservoirs, within the limits of the City of New Haven, which shall corrupt the water or pollute the air, so as to become offensive or injurious to any person residing in the vicinity thereof, such gas works and gas reservoirs shall be deemed a nuisance, and any person or corporation who shall so erect and maintain such gas works or gas reservoirs, shall forfeit and pay to the Treasurer of said city, one hundred dollars for each and every day said works or reservoirs shall be so erected and maintained, to be recovered in an action of debt.

Penalty.

City Attorney to enforce.

SEC. 2. It shall be the duty of the City Attorney to enforce this By-Law.

Passed in Common Council, March 5, A. D. 1860.

CHAPTER VII.—OFFENSIVE ARTICLES IN OPEN PLACES.

A By-Law in addition to a By-Law entitled "A By-Law to prevent Nuisances."

Offensive matter on streets or walks.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no person shall hereafter place or deposit in, on, or upon any street, sidewalk, or other uncovered place within the limits of this city, or shall drag, pull or shove along, across or upon any such street or sidewalk within said city, any offal, filth, hides, or other offensive, putrid or decaying animal or vegetable matter, without first having obtained from the Committee on Nuisances a license so to do.

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SEC. 2. That every person who shall violate any of the provisions of this By-Law, shall, for each and every such violation, pay a fine of not less than three nor more than twenty-five dollars. Penalty.

Passed in Common Council, May 29, A. D. 1862.

CHAPTER VIII.—SHAKING CARPETS.

A By-Law in addition to a By-Law entitled "A By-Law to prevent Nuisances."

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no person or persons shall hereafter beat, shake, clean or spread any carpet, drugget, rug or oil-cloth of any kind, upon or in any of the streets or public squares of this city. Shaking carpets, &c.

SEC. 2. That every person who shall violate any of the provisions of the foregoing Section, shall, for each and every violation, forfeit and pay a penalty of not less than one, nor more than ten dollars. Penalty.

Passed in Common Council, April 27, A. D. 1863.

CHAPTER IX.—STREET HYDRANTS.

A By-Law in addition to a By-Law to prevent Nuisances.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That the use of water hydrants, street washers, or hose for sprinkling or watering the streets, sidewalks or gutters in the city, between the hours of eight A. M. and twelve M., and also between the hours of one P. M. and six P. M., shall be deemed a nuisance; and any person who shall be guilty of such nuisance shall forfeit and pay to the City Treasurer the sum of five dollars for each offence. Use of street washers, hydrants, &c., regulated.

SEC. 2. Any householder or tenant who shall permit a servant, apprentice, clerk, or other person, to use any water hydrant, street washer or hose, for the purpose aforesaid, except during the hours not prohibited by the first section of this ordinance, shall forfeit and pay to the City Treasurer the sum of five dollars. Penalty.

Passed in Common Council, July 13, A. D. 1863.

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CHAPTER X.—Houses of Ill Fame.

A By-Law in addition to a By-Law entitled "A By-Law to prevent Nuisances."

Houses of ill fame a nuisance

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That every house or other building in this city, which shall be kept, occupied or used as a house of ill fame, or a house of assignation: and every house or other building in the city which shall be reputed to be a house of ill fame, or a house of assignation, shall, each and every one of them, be, and the same are hereby declared to be, a nuisance; and the person or persons keeping, occupying, using or frequenting any such house, and the person or persons owning any such house, and having knowledge of such keeping, occupation, use or reputation, shall, each and every one of them, be deemed guilty of committing, causing, or, as the case may be, maintaining a nuisance.

Owners and occupiers guilty of committing a nuisance.

Penalties.

Sec. 2. That every person who shall cause, commit or maintain any of the nuisances described in the foregoing section of this By-Law, shall, for each and every offence, forfeit and pay the penalties hereinafter mentioned, viz: every owner or keeper of any such house, the sum of fifty dollars, and every occupant who is not the keeper, and every frequenter of any such house, not less than ten nor more than twenty-five dollars.

Passed in Common Council, October 5, A. D. 1863.

CHAPTER XI.—Bathing.

A By-Law prohibiting Naked Bathing in certain parts of New Haven Harbor.

Naked bathing prohibited.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no person shall bathe, naked and in the open air, in the waters of New Haven Harbor, adjacent to the westerly and southerly side of said harbor, at any point between the southerly boundary of the land conveyed to this city on the first day of May, 1865, by Gerard Halleck, for the purpose of a public bath or bathing park, and the West River Bridge, so called, on the Milford road.

Sec. 2. That every person who shall violate this By-Law shall be deemed guilty of committing a nuisance, and shall

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for each and every violation of the same, forfeit and pay a penalty of ten dollars. Penalty.

SEC. 3. That this By-Law shall take effect on and after July 1st, 1865.

Passed in Common Council, May 1st, A. D. 1865.

TITLE XX.—RECORDER.

A By-Law respecting the Salary of the Recorder of the City of New Haven.

Be it ordained by the Court of Common Council of the City of New Haven, That the Salary of the Recorder shall be two hundred dollars per annum, payable quarterly; and it shall be the duty of the Mayor and Aldermen to liquidate and adjust the same, pursuant to the provisions of the "By-Law to provide for liquidating accounts against the City of New Haven." Recorder's salary.

TITLE XXI.—SIDE-WALKS.

A By-Law relative to the Side-Walks in the City of New Haven.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That it shall not be lawful for any person or persons to wheel or drag any wheel-barrow or hand-barrow, or hand-cart, or sled, along any paved or flagged side-walk in said city, formed for the convenience of foot passengers; nor shall it be lawful for any person or persons to obstruct such side-walk, by leaving, cutting, sawing, or splitting any wood thereon, or depositing coal thereon, except for immediate removal, and each person offending in either of the above particulars, shall forfeit and pay one dollar to the Treasurer of said city, for the use of said city. And whenever any minor, apprentice, or servant shall be guilty of a breach of this by-law, the parent, guardian, or master of such minor, apprentice, or servant, shall forfeit and pay the penalty aforesaid; and the same shall be recoverable by an action of debt in any court proper to try the same; *provided*, however, that this by-law shall not extend, or be construed to extend to prevent the convey- No wheel-barrows, &c., to be used on paved side-walks; nor wood to be left or split thereon. Penalty. Parents, &c., liable. Exceptions.

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ance of children on such side-walks, in wagons or carriages made and exclusively used for that purpose. [See Act in addition, Chapter II., Section 2.]

Breaches of the law declared nuisances.

Be it further ordained, That all wheel or hand-barrows, hand-carts, or sleds, and all wood which shall be on any of said side-walks, in violation of this by-law, shall be deemed nuisances, and liable to be removed by any person or persons whatever.

No vehicle or animal to pass on any side-walk, under a penalty of ten dollars.

SEC. 2. That no person or persons shall travel or pass on any side-walk in said city formed for the convenience of foot passengers, with a coach, carriage, chaise, wagon, cart, sleigh, or any other vehicle of any kind whatever, drawn by one or more beasts; and no person or persons shall travel or pass on any such side-walk on horseback; and no person or persons shall drive or lead any animal or animals on any such side-walk; and every person offending in either of the particulars aforesaid, shall forfeit and pay ten dollars to the Treasurer of said city, for the use of the city. *Provided*,

Exceptions.

however, that nothing herein contained, shall be so construed as to render unlawful the free use of the public streets and highways, where side-walks are formed across the same; and further provided, that nothing herein contained shall be so construed as to render unlawful the free communications between any land or buildings and the street or highway in front of such land or buildings.

SEC. 3. [First clause repealed.]

Be it further ordained, That whenever the free use of

Common Council to order the removal of incumbrances from side-walks.

any side-walk in this city shall be obstructed by any tree, portico, steps, cellarway, or any other incumbrance standing or being in, or encroaching on such side-walk, it shall be lawful for the Court of Common Council to order such incumbrance to be removed, and to limit such time as they shall deem reasonable for the removal of such incumbrance, and to appoint some suitable person to remove the same, if it shall not be removed within the time so limited; and the Court of Common Council shall direct what notice of such order shall be given to the proprietor or proprietors of the land fronting the side-walk where such incumbrance is situated, and if such proprietor or proprietors shall neglect to remove such incumbrance within the time limited as aforesaid, such proprietor or proprietors shall forfeit and pay to

Penalty for not obeying orders.

the Treasurer of the city, for the use of the city, the sum of fifteen dollars for each month during which he or they shall so neglect; and after the time limited for the removal of such incumbrance, it shall be lawful for the person appointed for the purpose by the Court of Common Council,

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to remove such incumbrance from such side-walks at the expense of the proprietor or proprietors neglecting as aforesaid, which expense shall be adjusted, liquidated, and collected in the mode prescribed in the third section of the statute of this State, entitled, "An Act regulating side-walks in the cities of Hartford, New Haven, and Middletown," and the provisions of said section shall have the same force and effect as if hereby ordained and made part of this by-law.

Snow, &c., to be removed within six hours after it has fallen.

SEC. 4. That it shall be the duty of every owner or occupier of any land within the limits of such city, to keep such side-walk or side-walks, as are now or may hereafter be paved, and which adjoin said land so owned or occupied, clear from snow, ice, or sleet; and whenever any snow, ice, or sleet, shall fall on such side-walk or side-walks, the said owner or occupier shall, within six hours after said snow, ice, or sleet has ceased to fall, remove the same, so that the passing on such side-walk or side-walks shall not be obstructed, nor rendered dangerous or inconvenient; and on failure to remove such snow, ice, or sleet from such side-walk or side-walks, within the time limited above, such owner or occupier shall forfeit and pay to the Treasurer of the city the sum of three dollars for the use of the city. And after the expiration of the time limited for removing such snow, ice, or sleet, it shall be the duty of the Street Commissioner to cause the same to be removed, and the expense thereof shall be assessed by said Street Commissioner upon such owner or occupier; and if such owner or occupier shall not pay the same to said Street Commissioner when demanded, such assessment shall be subject to the approval of any three of the Aldermen of the city; and if the same, or such portion thereof as shall be approved by any three of the Aldermen as aforesaid, shall not be paid within thirty days after notice of such approval, to be given by the Street Commissioner to such owner or occupier, the same shall be recovered by an action on this by-law, to be brought by the City Attorney.

Penalty for non-removal.

Removable by Street Commissioner.

Expense assessed.

Three Aldermen to approve.

How recovered.

Be it further ordained, That it shall be the duty of the owners or occupants of buildings or lots adjoining such side-walks as have paved gutters, to keep such gutters at all times clear from snow, sleet, or ice; and either member of the Committee on Nuisances, or either of the City Sheriffs, are hereby authorized to direct such occupants to clear said gutters; and any such owner or occupant, after such notice, refusing to comply with said order, within a reasonable time, shall forfeit and pay to the City Treasurer the sum of three

Gutters to be cleared of snow, ice, &c.

Penalty if not cleared.

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dollars, to be recovered in an action on this by-law, to be brought by the City Attorney.

No spout or drain to empty its waters over side-walks.

Penalty.

SEC. 5. That no spout or drain from any dwelling-house, store, or tenement in said city, shall be carried over any side-walk; and any person violating this provision of this ordinance, shall forfeit and pay the sum of ten dollars.

CHAPTER II.

A By-Law in addition to a By-Law entitled "A By-Law relative to the Side-Walks in the City of New Haven."

Land owners to keep side-walks in repair.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That it shall be and is hereby made the duty of all persons owning any lands within the city limits, upon or adjacent to which there now is or hereafter may be a side-walk built of stone, brick, or other material, to keep such side-walk, at all times, in a safe and convenient condition for the use of the public; to forthwith repair all defects therein in any way endangering the public travel upon the same, and to remove therefrom, without delay, any and all obstructions that may be placed or found thereon.

No obstruction of sidewalks.

SEC. 2. That no person shall leave, have, or allow on any such side-walk, over night, any wood, coal, or other thing, whereby said side-walk shall be in whole or in part obstructed or rendered unsafe or inconvenient for the public travel. Nor shall any person leave, have, or allow on any such side-walk, after dark, any coal, wood, or other thing, whereby said side-walk shall be so obstructed and rendered unsafe as aforesaid, without placing upon or near the same a light sufficient to indicate to travelers the obstruction and danger.

Penalty.

SEC. 3. That every person who shall violate any of the provisions of this by-law, shall, for each and every violation, forfeit and pay the sum of five dollars, and a further sum of one dollar for each and every day he shall continue such violation after the first day.

Passed in Common Council, Dec. 15, A. D. 1862.

[See Title XIX, Nuisance, Chapter IX.]

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TITLE XXII.—Public Squares.

CHAPTER I.

A By-Law for the Preservation of the Public Squares in the City.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That whatever person or persons shall throw down, pull up, destroy, or in any other way injure, or cause to be thrown down, pulled up, destroyed, or in any other way injured, any fence or fences, rails or railing, which now may be or hereafter shall be erected upon any of the public squares of this city, shall, for every such offense, forfeit and pay a penalty not exceeding thirty dollars, at the discretion of the court before which such person or persons shall be convicted. Fences around public squares protected.

And be it further ordained, That the parent, master, or guardian of any minor, apprentice, or servant, who shall be guilty of a breach of this by-law, shall pay and satisfy the penalty of breach incurred, and judgment shall be rendered against him or her accordingly. Parent, guardian, and master, liable for minors.

Sec. 2. It shall be lawful for any police officer to remove from the public squares any person who is violating any law or ordinance, or is committing any nuisance, or is guilty of any disorderly conduct. Police may remove disorderly persons.

Sec. 3. No person shall, in any manner, carry or cause to be carried, into or upon any of the public squares of the city, any filth, dirt, stones, or offensive matter or substance whatsoever. No dirt to be carried on squares.

Sec. 4. Any person who may offend against any of the provisions of this ordinance, shall forfeit and pay for each offense the sum of five dollars. Penalty.

CHAPTER II.

A By-Law relative to Games on the Public Squares.

Be it ordained by the Court of Common Council of the City of New Haven: That no person or persons shall be permitted to play at foot-ball, or any other game of ball or quoits, on either of the public squares, or on any populous street in said city, on penalty of ten dollars for each offense. No games to be played on public squares.

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Parents, &c., liable.

And be it further ordained, That the parent, master, or guardian of any minor, apprentice, or servant, who shall be guilty of a breach of this by-law, shall pay and satisfy the penalty of such breach incurred, and judgment shall be rendered against him or her accordingly.

TITLE XXIII.—SHERIFFS.

A By-Law respecting City Sheriffs.

Sheriffs in ten days to give $500 bonds to the Mayor, &c.

Be it ordained by the Court of Common Council of the City of New Haven, That each Sheriff of said city that shall be hereafter chosen, shall, within ten days after he is elected, give bond with such sureties as shall by the Mayor and Aldermen of the said city, or the major part of them present in said city, be judged sufficient, in the sum of five hundred dollars, payable to the Mayor, Aldermen, Common Council and freemen of said city; with a condition underwritten, that such Sheriff shall faithfully discharge and perform the duties of his said office, and indemnify and save harmless the said city from all damages or cost that may be occasioned by any misconduct or neglect of duty of said Sheriff in his said office.

Condition.

Their duty.

How paid.

And it shall be the duty of the Sheriffs of said city, and each of them, to obey and execute all the lawful orders of the Mayor, Aldermen, and Court of Common Council, respecting the warning and attending Courts of Common Council and City Meetings. And the bills of the said Sheriffs, for attending City Courts, warning and attending Courts of Common Council and City Meetings, or for discharging any duty imposed by the charter of the city of New Haven, shall be liquidated and adjusted, pursuant to the provisions of the "By-Law for liquidating accounts against the City of New Haven."

TITLE XXIV.—TREES.

CHAPTER I.

A By-Law relative to Trees.

Be it ordained by the Court of Common Council of the City of New Haven, That each and every person who shall, without the approbation in writing of the Mayor and a ma-

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jority of the Aldermen, first obtained, cut, bruise, destroy or injure, or aid in cutting, bruising, destroying, or injuring any tree, which is or shall be set out, planted, or standing for shade, ornament, or use, in either of the public squares, or in either of the public streets or highways of said city, shall severally for every such offense forfeit and pay a penalty of thirty-four dollars; and every penalty incurred by virtue of this by-law shall be recoverable to the use of said city by any proper action; and if such offense shall not be bona-fide prosecuted to the use of said city, as aforesaid, within the space of four weeks from the time such offense shall be committed, it shall be lawful for any person in his own name to sue for and recover such penalty for his own use, by any proper action under this by-law.

No tree to be cut, &c.

Penalty.

And be it further ordained, That the parent, master, or guardian, of any minor, apprentice, or servant, who shall be guilty of a breach of this by-law, shall pay and satisfy the penalty for such breach incurred, and judgment shall be rendered against him or her accordingly. And all penalties incurred by virtue of this by-law, shall be recoverable by action of debt in any Court proper to try the same; one moiety thereof to such person as shall prosecute for the same, and the other moiety to the use of said city.

Minors, &c.

Penalty.

How recovered.

One-half to prosecutor.

CHAPTER II.

A By-Law to Protect Trees.

Be it ordained by the Court of Common Council of the City of New Haven, That if any person shall willfully and maliciously cut, bruise, break injure, destroy, displace, or carry away any leaden trough or other fixtures, that have been, or shall be placed upon or around any trees in the city of New Haven, for the purpose of protecting the trees, such person so offending shall forfeit and pay to the Treasurer of said city, a fine not exceeding ten dollars for each offense. And in case the offender be a minor or apprentice, the parent, master or guardian shall satisfy the penalty and cost for such offense, and judgment be rendered accordingly.

Leaden troughs, &c., protected.

Penalty.

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TITLE XXV.—Turf.

A By-Law prohibiting the Cutting of Turf.

Limits within which no sods or turf are to be dug up for removal.

Be it ordained by the Court of Common Council of the City of New Haven, That no person or persons shall, within any part of said city, cut or dig up any sods or turf in the streets or highways of said city, with an intent that the same may be removed or carried away; nor shall any person remove or carry away any sods or turf, cut or dug contrary to the provisions of this by-law. And any person offending in either of the particulars aforesaid, shall forfeit and pay to the Treasurer of said city, for the use of said city, five dollars.

Penalty.

Exception.

Provided, however, that the Sexton shall be authorized to take sods or turf for the use of the burying-ground, from such place or places as the Mayor shall assign, any thing in this by-law notwithstanding.

TITLE XXVI.—Watch.

[Repealed by amendments to City Charter in 1861 and 1864.]

TITLE XXVII.—City Court.

A By-Law concerning the Expenses of the City Court.

Clerk of City Court to make out term bill.

Sec. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That it shall hereafter be the duty of the Clerk of the City Court, at the close of each term of said Court, to make out in his own name, as Clerk of the City Court, against the City, a true bill of all expenses incurred by the City during said term, except the salary of the Recorder, which shall not be included in said bill, and to procure the certificate of the Recorder of said Court that the same is correct.

To present same to Finance (auditing) Committee, &c.

Sec. 2. That it shall be the duty of said Clerk to present said bill so made out as aforesaid by said Recorder as aforesaid, to the officers of said city having authority to liquidate and adjust the same, for payment. And upon receiving the amount due on said bill, to pay the same to the officers of said Court and other persons who may be entitled to receive the same.

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SEC. 3. That said Clerk shall be allowed to include in said bill a charge of five per cent. on the whole amount thereof as a full compensation to him for all services required by this by-law. Clerk's fees.

Passed in Common Council, August 5, A. D. 1861.

TITLE XXVIII.—PEDLARS.

A By-Law in reference to the sale of Goods, &c., within the City limits by non-residents and Pedlars.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That no person, not a resident of this city, shall sell or vend, or cause to be sold or vended, within the limits of this city, any goods, wares or merchandise of any name, nature or description whatsoever, without first having obtained from the Court of Common Council a license to do so; *provided, that farmers and gardeners, resident in this State, may sell or vend, within said city limits, the produce of farms and gardens in this State, without such license.* No non-resident to sell or peddle goods without a license.

SEC. 2. That no person, whose entire stock in trade shall at any one time exceed in value the sum of thirty dollars, shall peddle or sell, or expose for sale, from house to house, within said city limits, except as provided for in the foregoing section of this by-law, any goods, wares or merchandise, of any name, nature or description whatsoever, without first having obtained from the Court of Common Council a license so to do.

SEC. 3. That every person who shall violate the provisions of the first section of this by-law, and every person who shall, as a factor, agent or servant of any such person, aid or abet in such violation, shall each and every of them, for each and every violation, pay a fine of not less than twenty-five nor more than one hundred dollars; and that every person who shall violate any of the provisions of the second section of this by-law, shall, for each and every such violation, pay a fine of not less than ten, nor more than fifty dollars,—said fines to be paid one-half to him who shall prosecute to effect, and the other half to the City Treasury. Penalty.

SEC. 4. That it shall be and hereby is made the duty of policemen and city sheriffs, having knowledge of any violation of this by-law, to inform the City Attorney thereof, whose duty it shall be to commence prosecution therefor immediately upon receipt of such information. Police and sheriffs to inform.

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Council may grant licenses.

SEC. 5. That the Court of Common Council shall, from time to time, grant licenses to applicants therefor for the sale of goods, wares and merchandise, within the limits of this city, upon such terms, regulations and payments as, in the judgment of said Court, shall seem just and proper.

Passed in Common Council, May 19, A. D. 1862.

TITLE XXIX.—STREETS AND SEWERS.

CHAPTER I.

A By-Law in relation to the Streets of the City.

Street pavement not to be taken up without notice.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no person, persons or corporation shall hereafter take up any part or portion of any pavement in any street within the city limits, or make any hole or excavation in any such street, without first having notified the Street Commissioner of the intention so to do. And whenever any such hole or excavation shall be made, or any such part or portion of any pavement shall be taken up, it shall be and is hereby made the duty of the person, persons or corporation making said excavation, or taking up said pavement, as soon thereafter as practicable, to fill such excavation and replace such pavement, and to put said street and pavement in as good condition, in all respects, as the same were in before such excavation was made, or such pavement taken up, all of which shall be done under the direction and to the acceptance of the Street Commissioner.

Pavement and streets to be restored.

Penalty.

SEC. 2. That every person or corporation who shall violate any of the provisions of the foregoing section, shall forfeit and pay a penalty of not less than ten, nor more than twenty-five dollars, for each and every violation.

Passed in Common Council, April 20, A. D. 1863.

CHAPTER II.

A By-Law prescribing the Duties of the Street Commissioner in reference to Highways, &c., within the City limits.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That it shall be and is hereby

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made the duty of the Street Commissioner to execute all orders of the Court of Common Council, for laying out, making, maintaining, altering and repairing streets, highways and bridges, within the city limits; to remove from said streets, highways and bridges, immediately on receiving information in reference thereto, all nuisances and obstructions endangering the public travel; to repair forthwith all defects in said streets, highways and bridges whose existence renders the public travel unsafe and dangerous; and to report to the Court of Common Council once in each month, all his doings under this Section for the month next preceding the time of making such report. Duty of Street Commissioner.

Sec. 2. That it shall be and is hereby made the duty of said Street Commissioner to inspect and examine, from time to time, the condition of all streets, highways and bridges, and of all sidewalks, crosswalks and gutters in said city, and to report to the Court of Common Council, as soon as made known to him, all needed repairs, alterations and improvements in any of the same, together with such recommendations in reference thereto as to him shall seem just and proper. Streets and Walks.

Sec. 3. That it shall be, and is hereby made the duty of said Street Commissioner to superintend the execution of all orders of the Court of Common Council for the building of sewers, catch basins, and other sewerage connections within said city, and to report to said Council when the same are executed to his satisfaction. Sewers.

Sec. 4. That it shall be, and is hereby made the duty of said Street Commissioner, in all cases wherein he is required to execute, at the expense of the city, any order made upon any private individual, to ascertain, at the time of executing such order, the correct description and boundaries of the property to be subjected to a lien by reason of his execution of such order, and to furnish the same to the person intrusted with the drafting of such lien, free of charge or expense to the city. Lien, property subject to.

Sec. 5. That said Street Commissioner shall, at or near the end of each month, make out and present to the chairman of the Committee on Finance, true and certified bills and accounts for all money paid out by him on behalf of the city for the month next preceding the time of making out and presenting the same; shall state in said bills and accounts particularly what each item is for; and shall certify to all bills against the city for materials furnished, or labor performed, in connection with any work or improvement whose construction and execution it is, or from time to time may be, his duty to superintend. Expenditures, monthly report of. Bills to be certified.

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Compensation of Street Commissioner.

SEC. 6. That in lieu of all other compensation for services required of said Commissioner, by this or any other By-Law, or by any resolution, vote, or order now existing, or hereafter to be passed or adopted, he shall receive at the rate of nine hundred dollars a year for the time actually in office, and in the performance of the duties thereof; and all By-Laws, votes, resolutions, orders, and all parts thereof, so far, and so far only, as they relate to the pay or compensation of the Street Commissioner, are hereby repealed and rescinded.

Passed in Common Council, Sept. 1, A. D. 1862.*

CHAPTER III.

A By-Law relating to the connection of Private Drains with the George Street Sewer, &c.

Permit to connect drains with George street Sewer.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That no private drain shall be connected with the George Street Sewer, or with the continuation or branches of the same, unless a permit in writing, to make such connection, from the Mayor and Aldermen, under the hand of the Mayor, shall have been first obtained by the owner or owners of the property with which the proposed drain is to connect, or by their agent: and no such permit shall be issued until there shall have been paid into the City Treasury the sum hereinafter established as the price of said permit.

Price of Permit.

SEC. 2. The price of said permit shall be, for drains from private dwelling houses and stores, $50, (fifty dollars,)—it being understood that when houses are built in blocks, the price designated shall be paid by each tenement: for hotels and public houses, $150, (one hundred and fifty dollars:) and for all manufacturing establishments and other establishments not included in the above, $200, (two hundred dollars.)

Drains, how laid.

SEC. 3. The laying of said drains shall be done under the direction, and to the acceptance of the Street Commissioner. It shall be the duty of the owner or owners of the premises to which said drains shall be attached, to employ skillful and careful workmen in making the necessary opening into said Sewer, and to conform to the directions of the Street Commissioner in regard to the manner in which said openings shall be made and said drains made and laid, and

* See Amendment of City Charter, 1864, establishing Board of Road Commissioners.

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to keep said drains at all times in good repair. The Street Commissioner shall have power, and it shall be his duty, under the direction of the Common Council, to discontinue, stop up, and prevent from discharging into said Sewer, any private drain which is not laid or kept in repair to his reasonable satisfaction.

Street Commissioner to have power to discontinue such drains

SEC. 4. Any person who shall make, or cause to be made, any opening into or connection with said Sewer, or the continuation or branches of the same, without having first obtained a written permit as aforesaid, or shall open, or cause to be opened, any drain which shall have been stopped up or discontinued as aforesaid, until the same shall have been approved by the Street Commissioner, shall forfeit and pay a penalty of One Hundred Dollars, for the use of said City, to be recovered in any proper form of action.

Penalty

Passed in Common Council, May 12th, A. D. 1862.

TITLE XXX.—STEAM BOILERS.

A By-Law concerning Steam Boilers in the City of New Haven.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven*, That the Mayor and Aldermen of said City, shall hereafter constitute a Board for the supervision of Stationary Steam Boilers within the limits of said city, and that no such Steam Boiler shall hereafter be erected, and put in operation within said limits, except by permission of said Board.

Mayor and Aldermen a Board of supervision to regulate the erection and use of stationary Steam Boilers.

SEC. 2. That no stationary steam boiler already erected, or which shall hereafter be erected within said City limits, shall be hereafter operated in said City limits, except under such restrictions, regulations and conditions as said Board may from time to time prescribe.

SEC. 3. That the said Board shall hereafter, on or before the second Tuesday of July in each year, appoint some suitable practicable engineer, to be an Inspector of stationary steam boilers, for the period of one year from the time of said appointment, unless sooner removed by said Board, and till another is appointed in his stead.

Inspector of Boilers, how appointed.

SEC. 4. That it shall be the duty of said Inspector, to examine carefully at least once in each year, and oftener if in the opinion of said Board, the same shall be necessary, and report to said Board concerning the construction, condition,

His duties.

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and safety of all stationary steam boilers in use within said City limits, and to furnish to the owner or owners of all such boilers, or to the person or persons operating them, a certificate of the condition thereof, signed by himself as such Inspector.

Board to keep a Record.

SEC. 5. That it shall be the duty of said Board, to make and to keep a record of all such reports so furnished to them as aforesaid, in a book prepared by said Board for that purpose.

Fees.

SEC. 6. That it shall be the duty of such person respectively, owning or operating such steam boiler or boilers within said City limits, to pay the charges of said Inspector for the examination of the same, said charges being at the rate of fifty cents per hour; to have each and every stationary steam boiler, &c., owned and operated by them as aforesaid, examined by said inspector at least once in each year, and to post the certificate so to be furnished, in some conspicuous place, in the room or rooms where said boiler or boilers may be located.

Engines to be examined annually

A low water detector to be used

SEC. 7. That all persons hereafter locating stationary steam boilers, to be used within said City limits, are hereby required to attach thereto a low water detector, approved by the Board, as a safe-guard against accidents.

SEC. 8. That every person violating any of the provisions of the first and second sections of this By-Law, shall pay a fine of not less than one hundred and not more than five hundred dollars. And any person violating any of the provisions of the third, fourth, and sixth sections of this By-Law, shall pay a fine of not less than ten and not more than one hundred dollars, for each and every offense; said fines to be recovered by a proper action therefor, founded upon this By-Law, in the name of the Treasurer of said City.

Penalties.

SEC. 9. That nothing in this By-Law contained shall be so construed as to include or apply to boilers on steamboats or railroads, or to boilers used for warming buildings or other purposes, when such boilers do not carry a pressure of steam exceeding two pounds.

By-Law not to apply to heating houses under certain circumstances.

Passed in Common Council, August 4, A. D. 1862.

TITLE XXXI.—WATER.

A By-Law concerning Hydrants.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* Any person who shall open any

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public Fire Hydrant belonging to the City of New Haven, for the purpose of drawing Water therefrom except in the manner and for the purposes specified in the contract between the City of New Haven and the New Haven Water Company, shall forfeit and pay to the City Treasurer the sum of Five Dollars for each offense. Penalty for illegally opening fire hydrants.

Passed in Common Council, August 3, A. D. 1863.

ADDITIONAL BY-LAWS.

PASSED SINCE THE FOREGOING COMPILATION.

A BY-LAW

In addition to a By-Law for Protecting the City of New Haven from Fire.

Be it ordained by the Court of Common Council of the City of New Haven: No chimney shall be built or placed in any meeting house, dwelling house, or other building already erected, or hereafter to be erected within the Fire Limits, unless the outer walls of such meeting house, dwelling house or other building be entirely composed of fire-proof material, and no chimney, fire-place, stove, furnace, register, or heating apparatus shall be built, made, or placed in any addition to be made to any meeting house, dwelling house, or other building within the Fire Limits, unless the outer walls and roof of such additions be composed of fire-proof materials. *Provided,* that this By-Law shall not affect Sections 3d, 4th and 5th of "A By-Law in addition to a By-Law for protecting the City of New Haven from Fire," passed in Court of Common Council, March 20th, 1865. Chimneys, &c. to be fire-proof. Proviso.

Passed in Common Council, May 25, A. D. 1865.

CITY COURT.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* The Recorder of said City shall receive for his services as Chief Judge of the City Court at the rate of fifteen hundred dollars per annum, to be paid Recorder's Salary.

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Assistant Judges. monthly; *provided*, that he shall receive no pay for such time as the City Court shall be held by an Assistant Judge.

SEC. 2. Whenever either of the Assistant Judges shall, in the absence of the Recorder, hold said Court, he shall be Salary of. paid for his services four dollars per day, and no more.

SEC. 3. The By-Law entiled "A By-Law entitled a By-Repealing clause. Law respecting the salary of the Recorder of the City of New Haven," is hereby repealed.

Passed in Common Council, July 25, A. D. 1865.

NUISANCES.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* Any member of the Committee on Nuisances may peaceably enter and visit all places where Nuisance Committee may enter premises to abate nuisances. he shall have reasonable cause to believe a nuisance, under any By-Law now or hereafter in force in said city, exists, or is being committed,—to order the abatement of all such nuisances, and, if said order shall not be complied with, to abate said nuisance, or cause the same to be abated.

SEC. 2. Each member of said Committee shall, for every day or part of a day spent in visiting places or removing nuisances as aforesaid, be entitled to receive three Fees of Nuisance Committee. dollars, together with all the expenses incurred by him in such removal, to be paid by the city.

City may collect cost of abating nuisance. SEC. 3. The city shall be, and is hereby empowered to collect out of the person doing, procuring to be done, committing, causing, allowing, suffering, or permitting any such nuisance, by any proper action founded on this By-Law, and in the name of the City Treasurer, all moneys which, under this By-Law, it shall be required to pay to any member of said Committee on Nuisances.

SEC. 4. So much of the By-Law to which this is in addition as is inconsistent herewith, is hereby repealed.

Passed in Common Council July 24, A. D. 1865.

COAL.

SEC. 1. *Be it ordained by the Court of Common Council of the City of New Haven:* That every person within the limits of said city, selling Hard or Anthracite Coal, shall Coal to be 2,000 pounds to the ton sell for each and every ton, two thousand pounds, net

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weight, of well screened Coal, and a proportional number of pounds for any fractional part of a ton.

Sec. 2. Every person selling coal as aforesaid, shall cause each load thereof sold by him to be weighed upon scales which have been inspected and approved within three months next prior to the day of such sale by a duly appointed and qualified sealer of weights and measures in said city, and shall cause a certificate of the true weight of the coal, so weighed, to be delivered to the purchaser, or left at his place of abode, which certificate shall be correctly dated and signed by the seller, or his authorized agent.

Weighed by seller.

Certificate.

Sec. 3. Upon demand by the buyer of any load of Hard or Anthacite Coal offered for delivery, it shall be the duty of the driver of the cart, containing such coal, to cause the same, together with the cart, before delivering or carting any other load of coal, to be weighed upon the most convenient public scales, other than those upon which the same has already been weighed,—to take a certificate of the true weight of said coal and cart, and deliver the same to said buyer, or leave it at his place of abode; it shall further be the duty of said driver, without unnecessary delay, to return with said coal to the place of delivery, and there deliver the same.

Driver of cart to weigh coal, when

Certificate.

Duty of driver.

After such delivery, it shall be the duty of said driver to cause said cart to be weighed upon the same public scales, without unnecessary delay, and, before it is used again for the carting of coal, to take a certificate of the true weight of said cart, and forthwith deliver the same to said buyer.

And be it further provided, That, whenever any load of Hard or Anthracite Coal has been so carted and weighed upon the demand of the buyer, as provided in this Section, said buyer shall pay to said driver for such carting fifty cents, and the fees of the public weigher.

Fees for carting and weighing.

Sec. 4. No driver of any cart shall give away, purloin, sell, or remove any coal, or allow any coal to be taken from his cart while the same is in transit to the place of delivery, or to or from the place of weighing, as hereinbefore provided.

Coal not to be purloined.

Sec. 5. Every person who shall violate any of the provisions of this By-Law shall forfeit and pay for each and every violation ten dollars, one-half to the use of the city, and the other half to the use of the complainant.

Penalty.

And whenever any seller shall, in violation of the first section of this By-Law, sell short weight, he shall, in addition to each forfeiture of ten dollars, forfeit and pay all expenses of the buyer incurred under the third section of

Short weight, penalty for.

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this By-Law, which said last named forfeiture shall be recovered upon the complaint or proceeding instituted for the recovery of said ten dollars, and shall, when recovered, be paid over by the city or other party recovering the same to said buyer.

Coal sold by the cargo.

SEC. 6. Nothing in this By-Law contained shall apply to the sale of Hard or Anthracite Coal by the cargo.

Passed in Common Council, July 24th, 1865.

A BY-LAW,

In addition to "A By-Law for Restraining Horses and Cattle from going at large in the City of New Haven."

Be it ordained by the Court of Common Council of the City of New Haven: SEC. 1. It shall be and is hereby made the duty of all the members of the Police Department to impound in any of the pounds of the city, all animals at large, with their knowledge in violation of any City By-Law, without unnecessary delay; and to make immediate complaint of all such violations to the City Attorney.

Cattle at large. Police to impound.

SEC. 2. All the provisions of the By-Law to which this is in addition, approved May 27th, A. D. 1861, shall be and are hereby made and declared to include, and be applicable to, goats in the same manner, and to the same extent in all respects as if said animals had been specially named and mentioned in said By-Law.

Goats.

SEC. 3. It shall be and is hereby made the duty of all pound-keepers, appointed by the Court of Common Council, (unless within one week after notice of their appointment they shall lodge with the City Clerk a written declination to hold said office,) to have, keep and maintain, ready for use at all times, a suitable and lawful pound for the impounding of all animals that shall be brought to them for that purpose. And every pound-keeper who shall violate or neglect any of the provisions of this section, shall for each and every such violation or neglect forfeit and pay a penalty of not less than one nor more than ten dollars.

Pound keepers.

Passed in Court of Common Council, Aug. 7, A. D. 1865.

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CITY ORDINANCE.

HORSE RAILROAD.

F. H. & W. Railroad.

WHEREAS, The Charter of the Fair Haven and Westville Railroad Company authorizes the Common Council of the City of New Haven, from time to time, to establish such regulations in regard to said Railway, as may be required for the paving, grading and sewerage, and the laying of gas and water pipes; and whereas, the Charter also requires the said Railroad Company, in constructing their road, to conform to the grades now existing, or hereafter to be established by said Common Council, through the several streets and avenues traversed by said road; therefore,

Duty of, in constructing road.

Be it ordained, That the said Fair Haven and Westville Railroad Company, in constructing their railroad or way, shall conform their road to the general surface line of the streets and avenues through which said road may traverse, and in no case to construct said road above the surface line of such streets and avenues so as to hinder, endanger, or obstruct the public travel over or across said railroad.

Be it further ordained, That said Railroad Company in constructing their road, is hereby required to restore said streets and avenues to as good a condition, with reference to surface, material, and freedom of travel, as they were before said road entered thereupon.

Street Commissioner.

And it is further ordained, That if it should appear that any portion of said streets or avenues is required to be regraded for the benefit of said Railroad Company, or that any cross walks are to be raised or lowered, or water courses to be changed or altered, then in such case or cases, the said Railroad Company shall do and perform all such work at their own expense, and to the satisfaction and approval of the Street Commissioner, and the Street Commissioner is hereby ordered and empowered to see that said Railroad Company, in constructing their railroad or way, conform to the 9th section of their charter, and also that the foregoing ordinances are fully complied with.

Passed in Common Council, December 3d, A. D. 1860.

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CITY ACCOUNTS.

RULES AND REGULATIONS.

1st. All persons having claims against the city, shall present their accounts to the City Clerk, duly certified by the party who contracted the claim, and it shall be the duty of
Clerk. said Clerk to examine, number and file the same, and when so done, present the same to the Committee on Finance.

Committee on Finance. 2d. It shall be the duty of the Committee on Finance to examine all claims against the city, and if found correct, to certify the same; if not found correct, or not in conformity to law, to re-adjust such claims, and to allow such sum or sums as may be found due.

3d. It shall be the duty of the Committee on Finance to present all claims found correct against the city, for the ap-
Mayor and Aldermen. proval of the Mayor and Aldermen, and when so approved, the said bills shall be placed in the hands of the Auditor of
City Auditor. City Accounts, who shall enter said account in books kept for that purpose.

4th. And it shall be the duty of the City Auditor, as soon as practicable, to obtain from the City Clerk an order on the Treasurer of the City, for such sum or sums as may be duly approved, and said order, when so drawn, shall be countersigned by the Auditor of City Accounts.

5th. The Auditor of City Accounts shall open accounts in a book kept for the purpose, with the several departments, &c., as follows, viz:

Fire Department;—Street Department; Lamps and Gas;—Public Parks;—Tax List of 1859, (Walter Osborn, Collector;)—Tax List of 1855, 1856, 1857 and 1858, (F. L. Bostwick, Collector;)—Treasurer;—City Orders;—Bills Payable;—Interest Account;—Election Expenses;—Salaries of City Officers; Police Department;—Special Appropriations;—Printing and Stationery;—Unpaid Bills of Previous Years.

Collector. 6th. When the Collector pays over any amount to the Treasurer, he shall take a duplicate receipt and hand it to the Auditor, who shall credit the Collector, and charge the Treasurer.

Meeting of Finance Committee. 7th. The Finance Committee shall meet on the last Friday of each month, and may hold special meetings whenever called by the Chairman.

[Adopted in Common Council, July 16, A. D., 1860.]

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